

EST OF ZION 1777

THE NEW YORK CANADA PAPERS

CANADA PAPERS

...principally to the Convention Army after its
...in the Neighborhood of Boston, in the
...and 1778. ...

Dear Sir,

Philadelphia, 14th Nov. 1777.

BY Lieutenant Vallancy, who arrived here on the 31st of
October with your dispatches from Albany, I received with
pleasure the particular account of your misfortune.

The loss of your services with the services of General
...in this country, I exceedingly regret, and since the
...of war has thrown you both out of that line, I shall
...the Admiral to send a frigate for you, and necessary
...for the conveyance of the troops, as soon as they
...get ready and ... of them little prospect
...light transports being able to get round to Boston at this
...of the year, it is thought most advisable to send
...the frigate to Rhode Island, from whence you
...advised of their arrival, and I hope, on the above
...You will get permission to embark from New-
...convenient port in the found; otherwise it will
...for the troops to be embarked before the going.

With the most perfect respect,

I have the honour to be,

Dear Sir,

Your most obedient

And most humble servant,

W. Howe.

SIR,

Philadelphia, 14th November 1777.

...season of the year not permitting the transports to pro-
...to Boston, they are dispatched to Rhode Island, at which
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place I flatter myself you will obtain permission to embark with your troops, as the spirit of the Convention will not be infringed in the smallest degree by their embarking at that port instead of Boston; and under these circumstances, I am hopeful you will readily prevail in your application. But should it be refused, I can by no means object to your returning to Europe, leaving your troops under the direction of Major General Phillips, with orders for the foreign troops to proceed from thence to Plymouth, and the British to Portsmouth in Great Britain, with all convenient dispatch after the arrival of the transports. And if you should not obtain permission to go to Rhode Island, where you will find a frigate to receive you, by sending a letter to Sir Peter Parker, commanding his Majesty's ships at that place, the frigate will be sent round to Boston.

With the most perfect respect,
I have the honour to be,

SIR,

Your most obedient,
and most humble servant,

Lieut. Gen. Burgoyne.
at Boston.

W. Howe.

State of Massachusetts's Bay.

Head Quarters, Boston, Nov. 8th, 1777.

MAJOR General Heath commanding the Eastern department being disposed to treat Lieutenant General Burgoyne and his officers with politeness and generosity, and the soldiery with humanity and care, expects the utmost attention of General Burgoyne and his officers to cultivate and observe strict order and discipline among the British and Foreign troops, especially in the following particulars, which are laid down as standing orders, viz.

1st, That if any officer shall exceed the limits of his parole, it being a forfeiture of his honour, he is to be immediately confined within the limits assigned for private men, or if the General shall think proper, on board the guardship.

2d, All officers under the rank of Field Officers are to repair to their quarters, and not to absent them after nine o'clock in the evening.

3d, As the legislature of this State, in order to accommodate the Officers and to prevent imposition, have appointed

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Commissionaries to supply the officers and soldiers with various
sorts of provisions brought to Boston market, which are to be
sold to them at the same prices as were given for them, and
care has been also taken that the officers should be supplied
with liquors at the market price, until they can be procured
by themselves from the town of Newport on the island of
Rhode Island, or such other place as may be fixed upon for
that purpose; no officer or soldier is to purchase any article
whatever either by himself or others, except of the com-
missaries and grand sutler, who are appointed as aforesaid.
But in case the Council or General Assembly shall think
proper to discontinue the supplying the officers and soldiers
in the manner above-mentioned, or shall think fit to make
any alterations in the mode of supplying them, this article
to be void as far as their order may extend.

4th. The officers will carefully avoid disputes with and
every kind of insult or abuse to the inhabitants; should they
receive any they are to enter regular complaints.

5th. The servants belonging to the officers who are on
parole are not to stroll from their master's quarters; they
may be sent to the commissaries or to the grand sutler, or
ride to wait on their masters when they shall think proper to
ride out, if they shall be found otherwise, they will be taken
up and confined.

J. KEITH, D. A. G.

WE whose names are hereunto subscribed, being under
the restrictions of the Convention made on the 16th of
October last, between Lieutenant General Burgoyne and
Major General Gates, do promise and engage on our word
and honour, and on the faith of gentlemen, to remain in
the quarters assigned us for our residence in Cambridge,
Charles Town, and Medford in the States of Massachusetts
Bay, and at no times to exceed or pass the following limits,
viz. Charles Town Neck at Swan's Shop, from thence the
Cambridge road to the crossway which communicates with the
said road between Mr. Codman's house and fort, No. 3. the
said crossway out to the road by Mr. Inman's house, said
road up by Mr. Dana's house, and Captain Steadman's tavern
round the corner down to Cambridge bridge, the bridge from
the North end of Cambridge causeway by Mr. Welsh's shop
the Water Town road to the first turn beyond the late
Lieutenant Governor Oliver's house, from Deacon Mills'
house

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from the Charles Town road on to Cambridge, crossing to the Menotomy road, said road up to Cambridge, over the Snow's tract, the road down by the Stone magazine, Mill, foot bridge, and Charles Town road to Winter Hill down to the first mentioned bounds (that is to say, the road to the within the parole); during our continuance in this State, as until the continental General, commanding this State, Council of said State, His Excellency General Washington, or the Congress of the United States shall order otherwise; and that we will not directly nor indirectly give any intelligence whatsoever to the enemies of the United States; or do or say any thing in opposition to, or in prejudice of, the measures and proceedings of any Congress for the said States during our continuance here as aforesaid, or until we are duly exchanged or discharged; and that we will also at all times duly observe and obey the rules and regulations already established for the government of the camp.

Given under our hands at Cambridge in the State of Massachusetts Bay, this 9th day of November, in the year of our Lord 1777.

SIR, *Cambridge, Nov. 10th, 1777.*

I AM under the necessity, and I am persuaded you will partake my concern of, returning to you the parole unsigned, the British regiments having unanimously insisted that the Convention is infringed in several circumstances, but particularly in the article expressing that every officer shall be quartered according to his rank. I am aware, Sir, of your intentions to remove the field officers as a remedy to the present inconveniencies, and when I had the honour to shew you I apprehended that measure might have been of considerable avail, otherwise I should not have troubled you to transmit the paper. But since I have had occasion to visit the barracks myself, I am in honour and duty, and fullest conviction compelled to join my voice with the other officers, and assert that the quarters allotted to them would be held unfit for gentlemen in their situation in any part of the world. I have seen many jails preferable, and in the worst of them a man willing to purchase space may generally be indulged so far as not to cook, eat, and lie at the rate of six and eight persons in a room about eight feet square. The officers feel these hardships the more grievously as they have reason to believe there are many inhabitants within the limits pro-

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needed willing to receive them, as judges were they at liberty,
so to do. The soldiers apartments are likewise much out of repair
in many parts. There are many other complaints and cir-
cumstances in the regulations want farther explanation, that
I will not trouble you with, Sir, because it is my hope and
belief, if reasonable men take them into consideration, they
will be easily redressed; but that the article regarding quar-
ters shall be properly fulfilled before any parole is signed, is
a sentiment which no individual will depart from. In regard
to myself, Sir, and General Phillips, I shall say little; our
treatment is new to us, though we are not strangers to what
it is to be in the hands of our enemies.
I was fully convinced, Sir, we should have no cause of
complaint with the power to redress us in you; but if the
bodies in which the great authorities of your state are vested,
have not means or inclinations to enforce, nor the people
hospitality and civilization voluntarily to grant compliance
in matters of public faith, we have only to protest and to
claim a removal to some other district; not imagining it
possible that the same ideas should subsist in two parts of
America.

I have the honour to be, Sir, with great personal respect,
and sense of your attention,
SIR, &c.
To Major Gen. Heath.

SIR, *Head Quarters, Boston, Nov. 11th, 1777.*
I HAD the honour to receive yours of yesterday's date
the last evening, was not a little surprised to find the parole
returned unsigned, as I thought every objection had been ob-
viated on Saturday, and your Excellency had assured me
that if the parole was sent up on Sunday morning it should
be returned signed in the afternoon.

I can by no means admit that the Convention is infringed
in any instance. Necessity has compelled me to quarter a
larger number of captains and subalterns in a room than
usual, but this was by no means to remain. The procuring
new quarters for the field officers would make room for others;
and as I assured your Excellency no care or attention should
be wanting in me to make the situation of the officers as
easy

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easy and agreeable as circumstances would admit of, I have been endeavouring to effect it, and hope I shall succeed.

As to the quarters allotted to the officers being such as would not be held fit for gentlemen in their situation in any part of the world; and although your Excellency may have seen jails preferable, yet I can assure you that the same quarters were built for, allotted to, and occupied by, our own officers of the same rank for their winter quarters, and they were easy and contented in them.

The officers boarding promiscuously in families, where they can prevail upon the inhabitants to take them in, will be establishing that intercourse which it is the wish of the legislature as much as possible to avoid.

As to complaints of grievances couched in regulations, I know not of any, the regulations were intended for the good of the inhabitants and soldiery, and for establishing that order and regularity so essentially necessary under circumstances like the present.

That the article regarding the officers quarters shall be properly fulfilled is my determination, and that as soon as possible, but that they shall not take the liberty of the limits of a parole before they have signed it, is a resolution that I will not depart from, and I expect that they govern themselves accordingly.

I am exceedingly unhappy that your Excellency and General Phillips have not as yet such quarters as I sincerely wish or you desire; no endeavours of mine shall be wanting to effect it, and I can assure you it is the desire of the Council also.

I must desire your Excellency to move into one of the best houses that have been taken up, viz. Mrs. Vassall's or Mr. Inman's. It will be much more comfortable to yourself and agreeable to others, than being in a public house, and such removal shall not in the least abate our endeavours to procure you better quarters.

I have the honour to be,
with great personal respect,

Your Excellency's
most obedient servant,

His Excellency W. HEATH,
Lieut. Gen. Burgoyne.

SIR,

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SIR,

I HAVE the honour of your letter of this day's date, and have only to return in answer, that till the infringements of the Convention are redressed, in regard to the quartering of officers particularly, I cannot consent with my duty or principles, accept personally of any other accommodations than such as I am now subjected to; should it please the will of your government to make them worse, I persuade myself I shall continue to persevere as becomes me.

I have the honour to be, &c.

Nov. 11th, 1777.

J. B.

Major General Heath.

Copy of Lieutenant General Burgoyne's Letter to Major General Heath.

SIR,

Nov. 12th, 1777.

NO alteration having yet been made respecting the accommodation of the troops, you will not be surpris'd at the increase of my anxiety, and I am persuaded you will readily excuse the trouble it occasions you.

The time elapsed must have been sufficient to determine what the government, civil and military, is able or disposed to do, and I request from you, Sir, as speedy a communication as may be of their final decision.

On the part of the troops, I have to inform you, that the officers are ready to sign the parole proposed, as soon as the terms necessarily previous to that obligation are fulfilled, and that proper explanation is given relative to some circumstances of the regulations. I am confident the latter are of a nature that will admit of no difficulty when laid before you.

Having intimated to you in my letter of yesterday, my intention of not separating my lot from that of the army, I should not trouble you with any word at present upon the subject of quarters, were it not that the arrival of my baggage and that of Major General Phillips, and the present situation of it upon Cambridge Common, expose any men destined to the care of it, to great hardships in point of weather, and without a guard I suppose the security of our property would be small. The houses you mentioned yesterday are so exceedingly inconvenient, the one in point of size, and the other in being deficient in every article of furniture,

niture,

SIR,

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niturn, that to occupy either would make my condition worse than it is. The house of Mr. Temple would certainly suit me exceedingly well, and should the great colonial matters of public faith again take such a turn as might justify me in accepting a favour, I should certainly hold myself obliged to you for your good offices to procure me that particular quarter.

That nothing may be left undone by me to accommodate all the matters in agitation, I will desire Major General Phillips to attend you to-morrow morning, if you approve of it, in order to discuss and regulate every point upon which difficulties have already arisen, or upon which they may be foreseen.

I have the honour to be,
with great personal respect,

SIR,
Your most obedient servant,

Major General Heath.

J. BURGoyNE.

State of Massachusetts Bay

Head Quarters, Boston, Nov. 14th, 1777.

PERMIT the to proceed to the eastern parts of this State, and return with a load of wood for the use of the troops of Lieutenant General Burgoyne's army.

I do hereby certify that if the or wood is detained the said troops only will be sufferers.

To the Commanders of the British Vessels cruising on the Coast of Massachusetts Bay.

W. HEATH, M. G.

Lieutenant General Burgoyne concurs in the above pass Major General Heath having engaged his faith that it shall not be employed for any other purpose than that specified.

Cambridge, Nov. 14th, 1777. J. BURGoyNE, Lieut. Gen.

SIR, Council Chamber, Nov. 15th, 1777.

MR. Austin and myself were to lay the inclosed papers before you last evening, but the other important business pushed it out of my mind—The board ask the favour of you

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Lieut. Gen.

15th, 1777.
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to lay the matter before General Burgoyne, and if he
is furnish them with clothing, perhaps a blanket or a
life more may follow, the Council well thinking them
worthy, and suffer them to return to Quebec they are all
and in number about thirty-five, were taken with
Colonel Baum's party; if any thing can be done, please to
form the Board by one of your aide-de-camps, or any other
ay more agreeable to your honour,

I am,
S I R,
very respectfully,
Your humble servant,
R. DEAR, Junr

To the Commissary of Prisoners.

S I R,
SINCE we had the pleasure of seeing you, we have flattered
ourselves that your promise would have been effected,
that is to say, that we should be relieved from this ship to be
better, but we see with anxiety that nothing is done—for
which reason we have now the honour to acquaint you, that
our situation is too disagreeable to continue long, the farther
we go the worse we are; being reduced to my one
on the other, the vermin devouring us, without adding
ore of the miseries of men, all of which we have suffered.
Make us all the proposition, or any you please, to obtain
r releasement we will consent to any thing.
We beg you will pay a little attention to our request, and
lieve us,

S I R,
Your most humble
and obedient servants,
The CANADIANS.

S I R,
SEVERAL days are now past since we have been in-
formed of your arrival. Judge of the joy of all the poor
Canadians, who as well as ourselves are flattered you have
stained them leave to return to our homes: you can't
imagine in what a disagreeable situation we are in, no men
a earth were ever worse; we are devoured with vermin,
b and

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and three parts in a manner named; we are persuaded if those gentlemen (meaning the Council) saw our distress, they certainly would feel for us. We are convinced you will do every thing in your power to obtain our removal from this ship; for we give you our honours that more than half will never live to see spring if they are not removed. Is it possible those gentlemen do not feel for so many poor fathers of families, who beg and pray them to have compassion on them. We request you to interest yourself in our behalf; endeavour to obtain our releasement; come and see us in the miserable situation we are in; we place great confidence in you as well as in Mr. M'Carty, to whom we have the honour to be,

Gentlemen.

Your most obedient humble servants,

CLEANCOUR,
BLEURY.

Our respects to your Ladies,

To Mr. Prior, my object is to introduce you to one of our
 soldiers who has been blind almost two years, and who has
 lost his sight and most of his fingers by the small pox.
 Sir, I am glad to hear from Cambridge, Nov. 18th, 1777,
 that the inclement season advancing fast, and the cold the
 soldiers endure by the exposure and construction of the bar-
 racks being already extreme, it becomes an object of the
 greatest concern with me to provide for their relief. I
 therefore request you, Sir, and I am persuaded your dispo-
 sition will interest you in my application, to order enquiry
 to be made in what quantity, and at what price, blanketing,
 or warm mittens, or cloth proper to make soldiers leggings,
 can be purchased at Boston.

From what I have been able to gather in conversation, I apprehend much expectation cannot be placed upon any of these supplies in Boston at present; I therefore, as the next resource desire your protection to forward the letter inclosed to General Pigot at Rhode Island by express, and to grant such passports as may secure the expeditious conveyance of such materials as can be furnished there at the present, or be afterwards transported thither from New York.

I confide, Sir, to your honour not to make public unnecessarily what I have written to General Pigot concerning the fate of the army and myself; at the same time, if there is a sentence or a word that upon perusal you shall think improper

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Improper to let pass, I will change or efface it. My only views are to remove misrepresentations that may effect my reputation, and to secure a safe conveyance for my letter, I request the message may be of your own ordering, and I will readily pay the expence that may best insure his quick return.

I shall have to beg the same sort of favour of you in a few days, to pass an open letter to Sir William Howe.

I have the honour to be,

SIR,

Your obedient servant,

To M. G. Heath.

J. Buxooyne.

SIR,

Cambridge, Nov. 18th, 1777.

I HAVE the honour of yours with papers inclosed from the Council, respecting about thirty-five Canadian prisoners. It is with great pain I learn that any of the subjects of the King, taken as I understand in arms, should be exposed to the treatment they represent, which the Council do not seem to contradict.

The Board being now disposed to discharge them on parole, I should be happy to contribute any thing in my power to their further comfort; and if blankets or any other securities against the inclemency of the season could be purchased in Boston at a price within reason, I should certainly consider these poor men among the rest of the army.

I transmit to you, Sir, in a separate letter, what has occurred to me relative to supplying the soldiers with indispensable necessities, and I doubt not of your concurrence for carrying any plan of humanity into speedy effect.

I am,

SIR,

Your obedient servant,

Major Gen. Heath.

J. Buxooyne.

SIR,

Cambridge, Nov. 18th, 1777.

HAVING already troubled you with two letters of this date, I should not intrude farther upon your time, were it not that I think the occasion particular, both in point of propriety and of justice.

Several British soldiers have absconded within these few days; letters have been received from some, setting forth,

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that they had no intention to desert, but that they had been induced to seek shelter in the country, from the great hardships they endured by the scarcity of wood, and the inconvenience of the barracks: others have made known to their officers that they were decoyed away, made drunk, and afterwards engaged in your service, when not masters of their reason. To confirm this assertion, it is reported to me that a house of reception is opened at the foot of the Barrack Hill, where liquor is distributed gratis to the soldiery, and where deserters from us, of less penitent spirit than those above described, are hourly appearing in new regimentals of your service, offering promises and money to inveigle their former comrades, and in the grossest manner insulting their former officers.

I am persuaded, Sir, you will be concerned to hear the first excuse stated for the absconding of soldiers; but it is upon the latter grievance I mean to make my particular complaint, and I am confident I need only mention it to induce you to give you such orders as may most effectually discountenance what is past, and prevent any future attempts of so unfair a kind. In the mean time I shall endeavour to make proper examples of such offenders of our own as have been detected.

I have the honour to be,

SIR,

Your obedient servant,

Major Gen. Heath.

J. BURGoyNE.

GENERAL ORDERS.

Head Quarters, Boston, Nov. 20, 1777.

IN consequence of express orders from the honourable Continental Congress, received on yesterday, the name and rank of every commissioned officer, and the name, former place of abode, and occupation, size, age and description of every non-commissioned officer and private soldier, and all other persons comprehended in the Convention made between Lieutenant General Burgoyne and Major General Gates, on the 16th day of October, 1777, are to be carefully taken down in writing.—Lieutenant General Burgoyne will please immediately to order his Deputy Adjutant General to prepare the lists accordingly: and Major Andrew Brown is directed to receive lists, and to pass the non-commissioned officers and soldiers,

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soldiers, strictly observing that the descriptions are rightly noted, and correct them where there are any mistakes.

This business is immediately to be attended to.

S. I. R., *Cambridge, Nov. 20, 1777.*

I HAVE received a paper, dated Head-Quarters, Boston, Nov. 20th, purporting to be founded upon express orders from the honourable Continental Congress, which paper I return as inadmissible, because extending to matter in which the Congress have no right of interference.

A list of the names and rank of every commission officer, and the number of the non-commission officers and soldiers may be necessary to you, Sir, for the purpose of fulfilling the Convention in the quartering officers, and the regular delivery of provisions, fuel, &c. Such lists shall be prepared at your request; but before any other lists can be granted, I must be assured of the purposes for which they are intended, and the word *Order* must neither be mentioned nor implied.

I have the honour to be,

S. I. R.,

Your obedient servant,

To Major General Heath. J. E.

Head-Quarters, Boston, Nov. 21, 1777.

S. I. R.,

YOUR several letters of the 18th instant were duly received. A multiplicity of pressing avocations has prevented my answering of them sooner.

Blanketing or other articles necessary for the comfort of your troops cannot be obtained in Boston; and I think your plan of procuring them from Rhode-Island eligible. You may depend upon my assistance in facilitating any acts of humanity. It will be best that the cloathing should be landed at Providence, Swansey, or Taunton (unless you would run the risk of transporting of them to this place by water) to either of which places I will give free passports, and one of your quarter-masters shall have my permission to go up upon their arrival, to procure teams and see them safe down, in which he shall have the assistance of one of my conductors.

Your packet to General Pigot shall be sent by a faithful messenger, perhaps by one of my own family; and although your narrative of casualties is rather more particular than is

customary

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customary, in like cases, yet I shall not insist upon any alterations.

In another of your letters of the same date, you enumerate several allegations new and surprising to me. I have repeatedly and most strictly, in general orders, forbid the soldiery of the Convention passing the chain of sentries; and to prevent imposition, by pretence of being officers' servants, have ordered printed passes to be given to those who are really such, and if any others pass, it is a breach of orders, which I expect your officers as well as the guards and sentinels will exert themselves to prevent. I cannot admit that the scarcity of wood, or inconvenience of the barracks, has been the inducement to desertion; for although (notwithstanding our utmost exertion) the troops might suffer for want of fuel, yet they have since a supply equal to that allowed our own troops, who, while performing hard duty, have worse barracks, and are more exposed to the inclemency of the season. I have strictly forbid intercourse or conversation between the troops, and instead of their having liquor offered them gratis, I several days since directed that small parties should visit the public houses, and take up and confine such soldiers as they might find in them. As to their insisting into our service, it is directly contrary to an express order of Congress, and during my command here, I have strictly enjoined on the recruiting officers not to enlist prisoners or deserters from the British army, who have deserted during this campaign, and have obliged them to release many. After all, you will readily admit that desertions will happen in all armies, and it will be no wonder if they should be considerable from one circumstanced like yours; and while I am determined to discountenance and prevent, as much as possible, all unfair practices, and you endeavour to make proper examples of any of your own soldiers who may be detected, I must desire you will please to avoid any capital punishments during your continuance in this state.

Your other letter, respecting the Canadians, I have sent to council, from whom I received the papers I transmitted you respecting them.

I am,

with sentiments of esteem,

Your Excellency's obedient servant,

His Excellency

W. HEATH, M. G.

General Burgoyne.

SIR,

SIR,

Head Quarters, P. Mon, Nov. 21, 1777.

YOURS of yesterday is before me, and altho' you might at first imagine that the honourable Continental Congress have no right of interference in matters of the Convention, yet I conclude, upon further reflection, you must be convinced that as that body are the representatives of that people who are to reap the advantages or disadvantages of the Convention, and as all continental officers are acting by virtue of their authority, and under their direction, they assuredly have a right of interference, and to give such orders to their officers as they may think proper, for the full completion of the Convention, and for the safety and good of the people.

The paragraph of my orders of the 20th instant, respecting the troops of the Convention, is founded in reason and justice, being designed only to ascertain the officers and soldiers who are comprehended in the Convention, that in case any of them (contrary to their faith and honour) should hereafter be found in arms against these States in North America, during the present contest, they may be convicted of the offence and suffer the punishment in such cases inflicted by the law of nations: I must therefore insist that you furnish me with proper lists of names and descriptions, for the purposes before-mentioned, as soon as may be.

The other lists of the names and rank of the commission officers, and the number of non-commission officers and soldiers, so essentially necessary for the several purposes of regularity with quarter-masters and commissaries (and which should be frequently renewed as circumstances may vary) should long ere this have been exhibited. Some days since I directed my Deputy Adjutant General to call for them, and I expect they will be sent in without delay, for the purpose abovementioned.

I shall at all times endeavour to found my orders on the principles of honour, reason and justice, and not to infringe those delicate principles in others; but my orders for the purposes of order and regularity must be obeyed by every man and all bodies of men placed under my direction, and fully determined I am that offenders shall not pass with impunity.

I am,

with great personal regard,

Your Excellency's

most obedient servant

W. HEATH, M. G.

Lieut. Gen. Burgoyne.

SIR,

SIR,

578

Cambridge, Nov. 23, 1777.

YOUR letter, dated Boston, Nov. 21st, renewing the subject of a former letter which respected orders from the Continental Congress for furnishing descriptive lists of the non-commissioned officers and soldiers, came to my hand only on the 23d.

I rely upon you to enquire into the causes of delay in the delivery of letters, that should there be any want of punctuality in the answers, that inattention may not be imputed to me.

I am sorry you should have supposed me of so light a character as to have acted in a serious matter of state upon a sudden impression; be assured, I very well weighed my answer before I gave it; and having done so, you will not be surprised that I am determined to abide by it.

I am not so ignorant of the rights and customs of the civilized world as to dispute that the legislative powers of every community have, and ought to have, just control over the actions of all persons found in the limits of their jurisdiction, as far as regards the observance of their general promulgated laws in criminal or civil police. But this acknowledgment does not at all apply to the case in question, where the Congress, as the executive power of the State, think proper to issue an order to persons, not their subjects, in a matter no way relating to the civil government of the country, but assuming a right to impose new conditions on a treaty of public faith.

Perhaps, Sir, you will not find, in the whole history of military conventions or even capitulations, many instances wherein there is not an article binding upon one of the parties not to serve for a limited time; but I defy you to find a single instance where any other security was demanded for that obligation than the pledge of national faith.

I cannot therefore but look upon the reasons you give for demanding descriptive lists, viz. "to ascertain the officers and soldiers in case they should hereafter take arms contrary to their faith and honour," as an unprecedented insult upon my country.

If you wish to descend from general history to particular and recent facts upon this subject, I beg leave to call your recollection to the conduct of Sir Guy Carleton and myself (for he did me the honour to consult me) when last year we released from Canada many hundred prisoners of the Continental troops, upon their bare parole of not serving against the

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CANADA PAPERS.

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King till exchanged. We have since had no other dependence than that of public faith, that those men have not been indiscriminately employed in arms. We have rested easy under this dependence, it is true, because we suppose every officer in the Continental army would be ready to punish the offenders, as we should be in the like case.

I have been drawn unawares into a long explanation; but I trust it will have effect to prevent any farther trouble upon this subject either to you, or to,

SIR,

Your most obedient servant,

J. B.

Maj. Gen. Heath.

SIR,

Cambridge, Nov. 24, 1777.

SINCE I saw your officer this morning, I have received a dispatch from Sir William Howe, informing me that transports were preparing with all possible expedition, to convey the troops under the convention to England.

Matter arises, in regard to the embarkation, which I conceive it may be the interest of both parties to adjust so as to prevent delays; and as it may become necessary to have communication with General Washington, or possibly with the Continental Congress, I beg the favour of an interview with you as soon as may be, when I shall lay the whole matter before you.

It is an additional reason to desire to see you in person, that I shall think the same occasion may serve to discuss, and I hope cordially and finally to settle, several matters at present in agitation between us, some of which certainly want explanation alone.

If you will name any hour to-morrow, I will have the honour to wait upon you either at Boston or at Cambridge, and I conclude you will not object to my bringing Major General Phillips with me. I am,

SIR,

Your most obedient servant,

J. BURGONYE,

Maj. Gen. Heath,

SIR,

Cambridge, Nov. 25, 1777.

YOUR Excellency will have observed by the dispatch from Sir William Howe to me, which passed through your hands, that it was matter of great doubt whether the transports destined

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APPENDIX TO THE

stined to carry the troops to England, according to the convention, would be able to make the port of Boston in this advanced season of the year; and therefore, that it might be advisable to send them to Rhode Island, upon the supposition that a mere change of place, which made no alteration in the intent and meaning of the convention, would be readily agreed to.

That no time may be lost in an embarkation which I conceive will be equally desirable to the troops and to this country in point of conveniency, I take the earliest occasion to apply to your Excellency, or through your means, if you judge necessary, to the Continental Congress, for consent to march the troops to Providence, or such other place as may be commodious to pass them by small craft to Newport. This march to take place whenever advice shall be received of the arrival of the transports.—Should any objection be against Rhode Island; any convenient port in the sound would equally answer the purpose.

Should any considerations arise, which I do not foresee, to make the whole proposal objectionable to yourself or the Congress, and the troops should be obliged to wait the passage of the transports round Cape Cod; I in that case request passports for myself and my suite to Rhode Island, in order to embark on board a separate frigate: not only matters of great private concern in business, but also my state of health, requiring my speedy return to England.

I have no scruple, Sir, in asking this favour at your hands, nor shall I have any in acknowledging it, confident that no duty is impaired by an intercourse of personal civilities in matters where the public cause cannot possibly be committed or affected.

The packet directed to Sir William Howe, inclosed herewith, contains recommendations in which the preferment of many meritorious individuals is deeply interested. I am persuaded, Sir, that description will be a full apology for troubling you to pass it by a trumpet. I have the honour to be

SIR,

His Excellency
Gen. Washington, &c. &c.

Your most obedient
and most humble servant,
J. BURGOTNE, Lt. Gen.

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YNE, Lt. Gen.

SIR,

SIR,
Cambridge, Dec. 4.
HAVING received information that Cornet Grant of the
16th regiment of dragoons is prisoner on board a guardship,
and very severely treated; I beg leave, through your means,
to make enquiry into the cause, and also to represent to you,
that he was exchanged by Major General Gates, and that you
will find his name in the list transmitted to you from that ge-
neral. I have therefore to require his immediate release. I
take the same occasion to request a list of all officers and sol-
diers now prisoners of war in the state of Massachusetts, spe-
cifying the times when and the places where they were taken,
in order that I may be enabled to grant relief in money and
necessaries to such as may have occasion, and I should be glad
to know the properest method of distributing such relief.

I am aware, Sir, that yours may not be the proper channel
for this application; but in a matter of humanity I am con-
fident you will not think it a trouble to give it due direction
and support. I am,

SIR,

Your most obedient servant,

Maj. Gen. Heath.

J. B.

SIR,

BY an express received this morning from Major Gene-
ral Pigot, forwarded by order of Major General Spencer, I
am informed that transports are arrived at Rhode-Island, suf-
ficient to convey the troops under the Convention to Great
Britain. The season of the year makes the passage of the
transports to the port of Boston very hazardous, if not im-
practicable.

The letter and spirit of the treaty being express upon the
purpose of a free and speedy passage to Great Britain, I con-
ceive no objection can arise to my application for passports
and escort to march the troops to Providence, and for admis-
sion of such small craft there as may be necessary to convey
them immediately on board their respective ships without go-
ing on shore in Rhode Island, the expences for the convey-
ance of baggage and other articles incident upon the march
and for the embarkation, to be paid by the troops under the
same regulations as upon the march from Albany.

Besides the general propriety of this measure, respecting the
troops, must be, I am persuaded, particularly acceptable to all

APPENDIX TO THE

who act on the part of America, as it relieves the country from the present trouble and burthen of supply, accommodation, and all other difficulties. I address myself to you, Sir, to accomplish these purposes, as supposing that all matters respecting the execution of the treaty, and determinable at Boston, are now under your direction.

I request the favour of an answer as soon as convenient, and am, &c, &c.

Maj. Gen. Heath.

J. B.

SIR,

Head-Quarters, Boston, Dec. 10, 1777.

I RECEIVED your favour of yesterday's date the last evening, in which you request passports and an escort to march the troops of the Convention to Providence.

Although Congress have honoured me with the command of the eastern department, yet I should not venture so greatly to alter the place of embarkation as is proposed, without the knowledge or direction of that honourable body: and his Excellency, General Washington, having not long since been pleased to signify as much to me, as his opinion, viz. that Congress only had the right of altering the place; this, I believe, was also your opinion, when you desired me to forward your dispatch to General Washington, that, if it appeared necessary to him, he might obtain the opinion of Congress; that dispatch I forwarded; agreeable to your request, by a faithful hand; I hope soon to have an answer, which without delay shall be communicated to you; my own conjectures, however, are, that objections will be made to the troops marching to the southward, and I mention it, that you may endeavour to have the transports ordered round, if you should think proper. Every exertion in my power shall be afforded to you; but I cannot, in any instance, deviate from the Convention, without the permission of Congress.

Your other letters have not passed so long unanswered for want of attention; all the prisoners of war are under the direction of council, and after I receive your letters I am obliged to address them on the subjects which you request, and sometimes several days elapse before I can obtain their answer. This trouble, however, Sir, gives me pleasure, if I can thereby obviate the necessities of the officers or soldiery, and I would not have it in the least lessen your applications to me; but you will not attribute the procrastination of the answers to me.

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J. B.

Dec. 10, 1777.
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Congress

Congress having passed some resolves respecting Colonel Campbell and some Hessian officers, in reference to General Lee, I am informed that he cannot be exchanged until that matter is settled. Council have ordered their commissary of prisoners to make me out a list of all officers and soldiers in this state who are prisoners of war, and the time when and where taken; when I receive it, it shall be communicated to you; they also inform me, that, upon having the proper evidence of the exchange of Cornet Grant, he shall be released. I request you to send me down a copy of the exchange.

I am, SIR,

Your most obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH, M. G.

SIR,

Cambridge, Dec. 12, 1777.

I DID myself the pleasure to write to you by the officer of dragoons who left this place for Albany about three weeks ago, and I sent you, by the same occasion, the correct list you desired of the troops of the Convention, which I hope you received safe.

The surgeon, who has the charge of the hospital at Albany, reports to me that your commissary refuses to receive the paper currency of the country, and insists upon hard money for all the expenditure. A proceeding so directly against your own laws, will, I am persuaded, be strongly reprehended by you, and I have directed the surgeon to make representations to you for redress.

I equally rely, Sir, upon your justice, to discountenance such persons as inveigle discharged men from the hospital to desert. I am sure you will think it an unfair dealing, in any instances; but when it is farther employed to enlist the deserters into the continental troops, it becomes a breach, as I understand, of a resolution of the Congress, enforced by the orders of General Washington.

I cannot pretend to say, whether the delay of my embarkation may be long enough to give me an opportunity of receiving any answer to this, or of writing to you again. I beg you to believe me, at all times, and in all places, mindful of your personal civilities, and am,

SIR,

Your most obedient servant,

Major Gen. Gates.

(Signed) J. BURGoyNE.

SIR,

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SIR, *Head-Quarters, Boston, Dec. 16, 1777.*
 YESTERDAY I received, by express, a resolution of the honourable Continental Congress, passed the first of this instant directing that when the troops of the Convention embark, it be at the port stipulated by the Convention of Saratoga, and no other. I thought it might be agreeable to you to have the earliest notice of it.

I am

Your Excellency's most obedient servant,
Lieut. Gen. Burgoyne. W. HEATH.

SIR, *Head-Quarters, Dec. 17, 1777.*
 I WAS, a few days ago, honoured with yours of the 25th of November. The packets for Sir William Howe, and the letters for gentlemen in his army, were immediately forwarded to Philadelphia.

As I did not consider myself at liberty to answer either of your requests without first consulting Congress, I have transmitted a copy of your letter to them, and have desired their determination as speedily as possible. As soon as I know the result, I shall take the earliest opportunity of acquainting you with it. I have the honour to be,

SIR,

Your most obedient humble servant,
Lieut. Gen. Burgoyne. G. WASHINGTON.

In Congress, Dec. 17th, 1777.
 RESOLVED, that General Washington be directed to inform General Burgoyne, the Congress will not receive nor consider any proposition for indulgence or altering the terms of the Convention of Saratoga, unless immediately directed to their own body.

Extract from the Minutes,
 (Copy.) CHARLES THOMPSON, Sec.

SIR, *Head-Quarters, Dec. 20, 1778.*
 WHEN I had the honour of addressing you, on the 17th instant, I informed you that I had transmitted a copy of your letter to Congress. The inclosed copy of their resolution passed upon that subject, which I send in pursuance of their direction, will shew you the only answer I have obtained to
 your

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your propositions. It remains solely with Congress to grant the indulgences which you request. The bearer will immediately return, by whom you may have an opportunity of writing to them.

I have the honour to be,
With due respect,

SIR,

Your most obedient servant,

Lieutenant General Burgoyne.

G. WASHINGTON.

SIR,

Head-Quarters, Boston, Dec. 22, 1777.

AS the purchase of provisions, fuel, &c. for your troops, occasions a very considerable expence to this department, I should take it as a favour to be informed by you, whether it will be agreeable to you to make monthly payments for the supplies which are furnished to your troops; or, if you cannot conveniently make monthly payments, that you would advance such a sum of money as your circumstances will admit of, and that you would please to inform me on what day it shall be paid, if practicable.

I observed, by General Pigot's letter, which I transmitted you the last week, that a sloop load of flour had arrived at Rhode-Island for the use of your troops.

I am, SIR,

Your obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

Cambridge, Jan. 3, 1778.

AS you made no objection to my proposal of sending a proper person to Rhode-Island for a supply of money for the use of the troops of the Convention, I directed preparation accordingly, and have expected yesterday and this morning to hear from you, according to your engagement. To avoid any farther delays, I now make a requisition to you that Mr. Geddes, acting paymaster to the troops of the Convention, be furnished with a passport to Rhode-Island, upon his parole, to return at a proper limited time, and likewise that means may be taken to procure him a proper escort, upon his return to Providence, for his safe conduct to Cambridge, with such sums as he shall be able to obtain. I beg the favour of your answer this evening, and Mr. Geddes shall be ready to wait upon you to-morrow morning (if you think it necessary) to shew you the letters he is charged with.

I shall

APPENDIX TO THE

I shall be obliged to you for information when your messenger sets out on his return to General Washington.

Maj. Gen. Heath.

J. BURGOYNE.

SIR, *Head-Quarters, Boston, Jan. 3, 1778.*
YOURS of this date is just come to hand. Mr. Geddes shall have a passport to Rhode-Island upon calling to-morrow at my quarters, giving his parole, &c.

My express will return to the southward on Monday or Tuesday next at farthest.

You was pleased to mention, the other day, a man of war's coming round to take you to England. The resolve, which I sent you a copy of this day, settles the matter as to your going before the troops; and, upon farther consideration, I think it would be rather improper for a man of war to come, as a flag, either before or with the transports, and your Excellency can be equally accommodated on board a convenient transport: I think that such a one will be most proper, and a man of war cannot be admitted into the harbour.

I am, Sir, Your Excellency's obedient servant,

Lieut. Gen. Burgoyne. W. HEATH.

SIR, *Head-Quarters, Boston, Jan. 3, 1778.*

I RECEIVED, the last evening, per express, a resolve of the honourable Congress, of the 19th ult. directing "That the accounts of all provisions and other necessities which already have been, or which hereafter may be, supplied by the public to prisoners in the power of these states, shall be discharged, by either receiving from the British commissary of prisoners, or any of his agents, provisions or other necessities, equal in quality and kind to what have been supplied, or the amount thereof in gold or silver, at the rate of four shillings and sixpence sterling for every dollar of the currency of these states, and that all these accounts be liquidated and discharged previous to the release of any prisoners to whom provisions or other necessities shall have been supplied."

This resolve is prefaced upon Sir William Howe's requisition for provisions to be sent in for the subsistence of the American prisoners in his possession, and for the purchase of such necessities as they stand in need of, and the fraudulency of

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Jan. 3, 1778.
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W. HEATH.

Jan. 3, 1778.
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of those who have counterfeited the continental bills of cre-
 dit, large sums of which have been issued.

I am also directed to see "that all accounts with you are
 settled and fully paid, in the same manner, before the em-
 barkation of yourself, or other officers and troops included
 in the Convention of Saratoga.

I thought it my duty to give your Excellency the earliest
 intimation of this order, that you may take such steps as may
 be necessary for the settlement of the accounts, which cannot
 be settled by me in any other way than as above directed.

I am

Your Excellency's

Most obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

Cambridge, Jan. 4, 1778.

YOUR letter, dated yesterday, is only now come to hand.
 Mr. Geddes attends for your passport.

Though I do not pretend to see all that may be meant in
 the resolve you transmitted me, there is certainly nothing in
 the words of it which implies the construction you put in re-
 gard to my personal embarkation.

As to your allotment of a "convenient transport" for
 my passage, if it is from yourself, I am to thank you, Sir,
 for a sort of insult which the most haughty man of office
 would be ashamed of in any other country.

However, as I am determined every transaction concerning
 this Convention shall be notorious, and beyond the power of
 subterfuge to explain away, I have directed the frigate, toge-
 ther with the transports, to come round, and it will then be
 for you, Sir, to prohibit the entry of Boston harbour to any
 ships bearing a flag of truce, and declaring they are sent for
 the express purpose of conveying to Great Britain any part of
 the troops of the Convention.

I am, &c.

To Maj. Gen. Heath.

SIR,

Head-Quarters, Boston, Jan. 5, 1778.

YOUR Excellency's favour of yesterday came duly to
 hand, and I must confess I was not a little surpris'd at some
 expressions in it.

As, by the Convention, transports only are stipulated to re-
 ceive the troops, I submit to you, Sir, whether a hint (if you
 were even sure that it came from me) that you should take a

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convenient

convenient one, rather than introduce a frigate, which is neither expressed or implied in the Convention, merits those epithets which you are pleased to bestow on me.

I have ever meant to treat you with politeness; and the plighted faith and honour of my country require me to pay strict attention to the Convention on their part; of course, when transports arrive to receive the troops, they will enter the harbour; and if you can find by the Convention that a frigate is to enter for the particular reception of yourself, she will not be prohibited; but if it is rather uncommon for ships of war to bear flags of truce, and consenting to it in the present case should appear rather to be an act of politeness and generosity than otherwise, I leave you to your own reflection, whether you have made choice of the most happy expressions to obtain it.

I am

Your Excellency's obedient servant,
W. HEATH.
Lt. Gen. Burgoyne.

SIR,

Cambridge, Jan. 5, 1778.

HAVING considered the resolution of the Congress, which you transmitted to me in your letter of January 3, respecting the payment of provisions, I have also attended to the subsequent paragraph, wherein you inform me you are directed to see all accounts with me settled and fully paid, in the same manner as resolved in case of prisoners, before the embarkation of myself, or other officers and troops included in the Convention of Saratoga, can take place.

I am decided in my sentiment, that, should this resolve and direction be put in execution, the Convention will be grossly violated in three separate articles, viz. articles the 2d and 4th, by which the troops have an unconditional right to a free passage, and without delay, whenever ships arrive to receive them; and in article 5th, wherein it is stipulated, the troops shall be supplied with rations at the same rate with General Gates's own army.

It is undeniable this rate is entirely altered by the mode now prescribed for the payment.

The impressions which a violation of public faith never fail to make upon the world; and the consequences that inevitably ensue, in all political negotiations, when character and confidence, as required, would be ample revenge to Great Britain, and the individuals concerned, for the temporary inconvenience.

venience that an undue detention in this country would occasion.

Nevertheless, being desirous to prove that I am neither rash nor vindictive upon this subject, I am willing to unite with you in any measure that may still prevent evils of the most serious nature; for this purpose, I desire you to furnish a passport to such officer as I shall appoint, to proceed to General Gates, who, I am informed, is now with the Congress.

Bearing full in memory what were the sentiments of that officer, not only in regard to the intent and meaning of the stipulations of the treaty, but also in regard to the duty, completely, and liberally to fulfil them, it may be a fortunate circumstance for all parties that he is now on the spot where he can give his own explanation, and thereby save a treaty, in which his personal honour is blended with that of the state, and in which, in conscience, I believe he never meant infraction or prevarication.

It might likewise very much conduce to conciliatory measures in passing the accounts, if a passport was granted to Mr. Clarke, acting commissary-general, to proceed to General Howe, in order to lay before him the account stated by your commissary, and to receive his pleasure thereupon; the resolve of the Congress, according to your letter, being prefaced upon a requisition of his Excellency.

I wish to have your answer as soon as possible, and that you would detain your messenger till you hear from me in return to that answer.

I have made these proposals upon a just, and what I think a generous, principle, and upon a supposition that, by the chances of the season, full answers may return from the south in time to prevent disputes; but I must not be understood as precluding myself from what I hold my duty, should ships arrive sooner, viz. to demand means for immediate embarkation.

I am, SIR, &c.

(Signed)

J. BURGOYNE.

SIR,

Head-Quarters, Boston, Jan. 6, 1778.

YOUR favour of yesterday I duly received, and note the contents. It is my decided sentiment, that the articles to which you refer to prove that the Convention is violated by the late resolution of the honourable Continental Congress are not the point, as it has no tendency to cause an undue detention of yourself and troops; it only requires the payment of just debts.

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These independent states, I presume, are not insensible of the importance of that character which depends upon the strictest regard to public faith, and I assure myself that they never have, nor ever will be guilty of the least infringement of it.

I am content that an officer of yours should proceed to General Gates, and will furnish him with a passport for the purpose.

Mr. Clarke may also have my permission to proceed to General Howe.

But as you conceive it to be your duty, should the transports arrive in the interim, "to demand means for immediate embarkation," you will please to observe, that on my part I shall also demand, previous to such embarkation, the settlement and payment of all accounts, agreeable to the orders of the Congress.

I am, SIR,

Your Excellency's obedient servant,

Lieut. Gen. Burgoyne,

W. HEATH.

SIR,

January 7th, 1778.

IN consequence of your letter of yesterday, consenting to the proposals made by me of dispatching an officer to General Gates, and Mr. Commissary Clarke to his Excellency General Howe, I have directed Mr. Clarke to press your commissary to deliver in his account; and I beg the favour of you to add such orders as may prevent delays. The officer is also preparing for his journey, and I should hope both these gentlemen will be ready to set out on Friday next.

I am, SIR, &c.

Maj. Gen. Heath.

J. BURGoyNE.

SIR,

Cambridge, Jan. 7, 1778.

M. GEN. Reidesel has requested me to apply to you for permission to Captain Willoe, who has acted as his aid de camp during the campaign, to return to Canada, where his regiment now is, but upon his parole not to act until exchanged. This gentleman is captain in the 8th regiment British, and it would be much more convenient to his private affairs to pass some time in that country than to return to Britain. I imagine, Sir, this application cannot be attended with difficulty, as Captain Willoe, belonging to the army in Canada, had a right, by the Convention, to return thither, and the only reason he did not

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make use of it at the time others did was, that he thought it an attention to General Reidesel to accompany him to Cambridge.

I am, SIR,

Your most obedient servant,

Maj. Gen. Hunt.

J. BURGOME.

SIR,

Head Quarters, Boston, Jan. 8th, 1778.

YOUR two favours of yesterday I have just received, I find your Excellency was misinformed as to General Gates's being at Congress, he was not at the time of my last intelligence, and whether he is now at Albany or Fish Hill I cannot say; you will therefore please to determine what your officer who is directed to him shall take, an officer of mine will attend him, and another will attend Mr. Clarke, who must first wait upon his Excellency General Washington before he goes into Philadelphia. The officers must give their special paroles, and all letters and papers be examined before they set out—whether it will be most proper for Mr. Clarke to carry the original accounts, or duplicates of them is for your determination; but should transports arrive to-morrow, the accounts, as I have observed in a former letter, must be settled and paid before you embark.

I mention this that you may not be embarrassed should Mr. Clark be absent with the original accounts.

As I am not quite clear with respect to Captain Willoe's request, I cannot now give my answer thereto.

I am,

Your Excellency's

most obedient servant,

Lieut. Gen. Burgome.

W. HEATH.

SIR,

Cambridge, Jan. 8th, 1778.

I HAVE your letter of to-day, and have no objection to the officer and Mr. Clarke giving the parole you require. I am surprized you should again repeat the matter relating to the payment of accounts previous to embarkation, when notwithstanding my requisitions to yourself, and repeated through Colonel Henly, I cannot yet obtain a state of the demands you have against the troops of the Convention.

I shall

APPENDIX TO THE

I shall wave giving any answer to this at present; when the ships arrive I shall know what to demand, and you will judge what you are to refuse.

Mr. Clarke shall be directed to take the duplicates of the accounts, which I should hope might be very soon made out, without creating any further delays; and that he and the officer might set out on their journeys the day after to-morrow.

I am,

S I R, &c.

M. G. Heath,

J. BURGONYE.

S I R,

Head Quarters, Boston, Jan. 8th, 1778.

MR. Blodget has complained to me of having three buildings situate on Winter Hill, and his property, demolished and carried off by some of the foreign troops who are in barracks on that hill, and the documents which he will lay before you, will be convincing that his complaint is not ill founded: I am therefore as the servant and guardian of the public, to recommend it to your Excellency to pay that attention to Mr. Blodget's representation, which the considerable loss he has met with intitles him to, and I doubt not your Excellency will afford him the redress which justice requires.

I am,

Your Excellency's

most obedient servant,

Licut. Gen. Burgoyne.

W. HEATH.

S I R,

Cambridge, Jan. 9th, 1778.

A REPORT has been made to me of a disturbance which happened at the barracks Wednesday afternoon, for which I am much concerned; and though the provocations from your soldiers, which originally produced it, were of the most atrocious nature, I was desirous the offender on our part should be properly punished (the suspected person was confined accordingly) but Colonel Henley thought proper to make prisoners eighteen innocent men, and to reject the guilty one. The innocent men are sent on board guardships, as alleged by your order.

It is not only a duty to my situation to demand the immediate discharge of these men, together with a satisfactory apology,

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BURGOYNE.

Jan. 8th, 1778.
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Jan. 9th, 1778.
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CANADA PAPERS.

apology, but I also mean it as an attention to you, Sir, that I give you an immediate opportunity to disavow to unjustifiable a proceeding, as committing men to the worst of prisons upon vague report, caprice, and passion.

Insults and provocations, at which the most placid dispositions would revolt, are daily exercised by your troops against the officers and soldiers of this army—regular, decent complaints are received by your officers sometimes with haughtiness, sometimes with derision, but always without redress. These evils flow, Sir, from the general tenor of language and of conduct held by Colonel Henley, which encourages his inferiors, and seems calculated to excite them to the most bloody purposes.

For want of sufficient information, and not bringing myself to believe it possible the facts as related by common report could be true, I have hitherto declined taking public notice of this man. But upon positive ground I now, and hereby, formally accuse Colonel Henley of behaviour heinously criminal as an officer, and unbecoming a man, of the most indecent, violent, vindictive severity against unarmed men, and of intentional murder.

I demand prompt and satisfactory justice, and I will not doubt your readiness to give it. Whenever you will inform me a proper tribunal is appointed, I will take care that undeniable evidence shall be produced to support the above charges.

I am,

SIR, &c.

To Major Gen. Heath.

J. BURGoyNE.

SIR, *Head Quarters, Boston, Jan. 9th, 1778.*
It is with no small concern that I inform your Excellency of the abusive behaviour of the British soldiery towards the guards and centinels at Prospect Hill, which has for some time been increasing, and has at length arrived at a height no longer to be borne. Sentries have been repeatedly insulted on their posts, and at some times beat and disarmed (this I must confess reflects dishonour on themselves, for a sentry is never to allow himself to be insulted or abused) prisoners have been frequently rescued from the guards, and the behaviour of the soldiery mutinous and disorderly in the extreme, of which there was a most singular instance the night

APPENDIX TO THE

night before last—a number of the rioters are sent on board the prison ship.

As your Excellency informed me soon after your arrival, that you would do all in your power to preserve order among the troops, I must call upon you, Sir, to exert yourself for that purpose; for if the present disorderly behaviour of so many of the soldiery continues, the consequences will be serious, for the guards and sentries shall no longer be insulted.

A most scandalous practice of counterfeiting passes has lately been detected, I must desire you would enquire into the matter, or the innocent will unavoidably suffer inconveniences.

A sentry was knocked down the night before last, and his firelock carried off. I expect that effectual measures will be taken for the return of the firelock immediately; I must desire your attention, Sir, to this matter.

I have this moment received your favour of yesterday; I have repeatedly directed the Commissary to state his accounts. He has been endeavouring to complete them, but has been delayed on account of some bills in the hands of some of the purchasers of cattle who are at some distance. I have ordered him again to complete them, being as anxious as your Excellency for their adjustment.

I am,

Your Excellency's

most obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

I HAVE to acknowledge the receipt of the substance of the examination of a German confined for drawing his sword on a sentinel of our army; it was not in my power to answer it yesterday. As I have General Heath's order not to approve of any punishment for crimes against our troops or the inhabitants, but to confine them on board guardships, so I shall obey those orders.

D. HENDER.

Cambridge, 9th Jan. 1778.

Commanding Officer.

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SIR, *Head Quarters, Boston, Jan. 10th, 1778.*

YOURS of yesterday's date I received the last evening. What provocation you allude to, as having been offered by my troops, I am at a loss to determine; the insults and abuses which they have received, I will venture to say, unless I have been most grossly misinformed, are unparalleled, and whether you are willing or unwilling, Sir, offenders shall no longer pass with impunity.

If it can be made to appear, that any of those soldiers sent to the guardship by my orders are innocent, they shall be released from their confinement. But with respect to such as have been guilty of violating my standing orders of the garrison, instead of disavowing or making any apology for the confinement of such, be assured, Sir, that I do most explicitly avow it.

And as I have before observed to your Excellency in a former letter, of which you may be assured, I shall at all times endeavour to found my orders upon the principles of "honour, reason, and justice, and not to infringe those delicate principles in others;" so also be assured, that such my orders shall be obeyed by every officer and soldier placed under my direction, and such as have the hardness to transgress them shall abide the consequences.

I have been informed of late that some have hinted that such of your troops as break my orders, ought to be tried and punished by your orders; even the mention of such a thing, Sir, I conceive to be (to use your own words in a late letter with a little variation) a sort of insult that a man of military erudition in any country, would be ashamed of, as being repugnant to every idea of military discipline; and from my opinion of your military knowledge, I cannot admit than you ever hinted it.

To convince you that it is my fixed determination to enquire into all abuses, whether committed by my own troops or those of the Convention, whilst they remain within my department, I have ordered Colonel Henley under arrest, and appointed a court of enquiry, whereof Brigadier General Glover is president, to examine into the grounds of your complaint, on Wednesday next at ten o'clock, A. M. at Cambridge; and if any complaints have heretofore passed unredressed, it is because they have not been laid before me.

You hinted to me when I had the pleasure of seeing you last at Cambridge, that one of my officers had been enticing

APPENDIX TO THE

ting some of the troops of the Convention to enter our service. I then informed you, that if you would send the complaint, I would immediately bring the officer to trial. You promised to do it; but I have not as yet received it. I now call upon you, Sir, to exhibit that charge, or any other that you have to make against any officer under my command, for practices of that kind, or any other, being with yourself determined, "that all my conduct respecting the Convention shall be notorious, and beyond the powers of subterfuge to explain away."

Complaints of most enormous abuses have lately been made to me. One, of the conduct of a number of officers on the evening or night of the 25th of December last at Bradishes' tavern; others, of persons being rescued from the guards—sentries abused and insulted on their post—passes counterfeited, and others filled up in the most affrontive manner, and of late several highway robberies committed in the environs of the garrison; one the last evening, in which a gentleman was robbed of between seven and eight hundred dollars, and a watch. The robberies I do not charge on your people, as it is unknown who were the perpetrators, but there are several reasons to suspect it.

All these, Sir, tend not only to exasperate the troops, but to enrage the inhabitants of the country, who view such abuses as unsufferable. I therefore call upon you to exert your endeavours to suppress all abuses as far as in your power. I am,

SIR,

Your obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

Cambridge, Jan. 12th, 1778.

I HAVE the favour of your letter January 10th, you are pleased to enter into much recrimination, which I shall answer apart, because I am not to be diverted by collateral matter from the great point depending between us respecting Colonel Henley's conduct.

The slight and indifferent manner in which you take up matters of such magnitude, makes me apprehensive I was deficient in my former attempt to state it clearly; as explanatory therefore of the original words of my complaint, I now add that I accuse Colonel Henley (by your appointment the late commanding officer of the Provincials at Cambridge)

bridge) of deliberate, wherein these charges are inconsistent

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CANADA PAPERS.

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bridge) of unprovoked, unmanly, wanton severity; of wilful, deliberate, and malicious bloodshed in the several instances wherein he made himself party, judge, and executioner; and these charges I have already pledged myself to prove upon incontestible evidence.

Is it possible, Sir, that after comprehending and considering these allegations, you can seriously mean to put me off by a court of enquiry, in which neither the judges nor the witnesses are under the obligation of an oath? A court of enquiry, if I have any understanding of so plain, expressive a term, is applicable only to cases of doubt and suspicion. It acts upon a principle of commendable jealousy, lest public justice should be eluded, and its business is to investigate reported, supposed circumstantial facts, in order to determine whether there is matter for solemn trial—but was it ever heard of in martial law or custom, when a prosecutor stood forth and bound himself to adduce positive evidence to the matter of charge, that any intermediate inquest was necessary like a grand jury to find a bill? If you adopt such doctrine, and proceed upon such analogy you will at least, Sir, reflect that to make it hold, the court must first examine upon oath, and next hear witnesses only *ex parte* on the side of the prosecution.

Weigh this matter more deeply, it is not the advice of an enemy I give you. The injury requires an immediate example; to delay justice longer than may be necessary for regularity and solemnity of proceeding, is at all times a dishonour to government, but what will that procrastination be esteemed which combined with the ferment of party, malicious suggestions, and false suspicions, tends to excite men to horrid and extensive massacre of those whom it is their duty to guard. We are here under the sanction of a truce, and the public faith is pledged for our safe conduct; by the universal law of nations we have a right to personal protection—among generous ones, we should have found hospitality.

Upon this right, and in the name of the State of Great Britain, I protest against a court of inquiry, as inadequate, dilatory, and nugatory, and demand a court martial properly constituted for criminal jurisdiction in cases of the most atrocious nature, to pass judgment upon the conduct of Colonel Henley.

I am, &c.

Major Gen. Heath.

J. BURGOYNE.

SIR,

SIR, *Head Quarters, Boston, Jan. 13th, 1778.*
 YOURS of this date I received by Colonel Lee; upon the receipt of your complaint against Colonel Henley, I immediately ordered him under arrest, and appointed a court of enquiry, composed of judicious officers, to examine into the grounds of your complaint. And although you may view a court of enquiry as inadequate, dilatory, and nugatory, it has been the first step commonly taken in our army; and indeed is no more than a delicacy due to the character of an officer, especially one who has the command of a post.

You may be assured that whilst you remain here under the sanction of a truce, as you are intitled to, so you shall enjoy personal protection. And I will venture to say, as much generosity and hospitality may be found in my country as in any, and I will add more than in some others, if we may judge from the treatment of the unfortunate.

I am,

Your Excellency's
 obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR, *Cambridge, Jan. 13th, 1778.*
 HAVING confined myself in the letter transmitted to you yesterday entirely to the prosecution of Colonel Henley, I have now to take notice of the other matters contained in your favour of the 10th instant. You state, Sir, that the insults and abuses offered to your troops have been unparalleled, "unless you have been grossly misinformed." Consider the character and conduct of Colonel Henley, from whom I am to suppose your reports have come, and then say whether you have not reason to suspect misinformation; nor is he the only person to impose upon you, Cambridge and Boston abound with ill-defigning men, who propagate calumny in order to colour persecution; the whole air is contaminated with lies. Beware, Sir, of such reporters, they are your enemies as well as mine; they strike at the character of your State. The difference of our conduct gives me a right to make this expostulation; when I complain, I offer proof of the grievance—you recriminate upon hear-say.

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You next inform me, Sir, that if it can be made appear that any of the soldiers sent to the guardships by your order are innocent, they shall be released.

By what means shall we make innocence appear, when men are dragged to imprisonment at a long distance, and without any possibility of appeal or communication of their case?

In the present instance however, I take you at your word; innocence shall appear, and you shall be the judge. Eighteen men are under confinement for an insult, in which *one* man alone was concerned: this is an undisputed fact. It necessarily follows to physical demonstration, that seventeen are innocent. Now shew me upon what principle you detain them; implicitly avow the act, and refuse to make an apology.

You treat with singular contempt the idea that such of the troops of the Convention as break your orders ought to be tried and punished by mine. In the first place, Sir, though *my* poor military erudition must be brought to shame in your opinion, I must avow that idea, and with all due respect to *your* erudition, I must next request, that if you again quote my words, you will do so without violation or amendment. I do contend that to commit offenders to the punishment of their own officers in the first instance, and in every case that will allow it, is consonant to reason and justice; I do not mean to deny that if, upon experience, it was found we were partial in our judgments, or in our punishments, you have a right to take justice into your hands; but you ought at the same time to remember that you make yourself responsible to God and man that the innocent do not suffer.

I do assure you it never was my intention to let drop the complaint for which you call upon me against your officers, for inlisting men into your service. I inclose you copies of agreement and a certificate of a muster master; I have the originals ready if you require them.

To the positive testimony in these few cases, I could add the strongest circumstantial proof, that till very lately the practice was publicly countenanced by your officers in general.

I add, Sir, the case of Mr. Deschambeau, as stated in a letter to me, and the deposition of Lieutenant Wilkison, concerning the assault committed on him on Thursday last;

last; and I can collect many other enormities of the same sort.

I come now to the last paragraph of your letter, in which you recapitulate and sum up all abuses, riots, rescues, insults, &c. that you are informed have been committed by these troops, and you conclude with a suspicion of highway robbery. It might have been more decent, Sir, to have left that insinuation to your printers in Boston, and indeed it would have better answered your purpose, for I observe in the paper of yesterday it is not suspected, but boldly and positively asserted that the robbery of Mr. Hopkins was by three regular soldiers.

My answer to all this is that most of the accusations are false, others are exaggerated, and none are countenanced by me. That there have been levities, indiscretions, faults of omission, of neglect, and of liquor, I am ready to believe; but I have never spared my efforts to correct them, and they have been pretty well atoned by the beating, imprisonment, and death, received at the hands of your people.

Upon the whole it is with satisfaction and pride I reflect, that were all these complaints verified and compounded into one mass, they still would not, from their nature, weigh a feather in the estimation of justice, against the articles of grievance in the opposite scale.

I am,

S I R,

Your most obedient servant,

Major Gen. Heath.

J. BURGONYE.

Articles of agreement for a musician to serve in Colonel Lee's regiment.

Captain Marsden of the Provincials inlistment of British soldiers under the Convention.

Muste master's certificate.

Assault upon Mr. Deschambeau unredressed.

Assault upon Captain Swettenham.

Insult committed on Lieutenant Wilkinson unredressed.

Names of men on board a guardship who can be proved innocent.

N. B. Inclosed with the letter sent to General Heath, 30th January 1778.

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LIEUTENANT General Burgoyne has directed me to ask on his part the following questions of this court of enquiry.

1st, Are the members under the obligation of an oath?

2d, Are the witnesses sworn?

3d, Is this court only to examine the matter of charge, or does it enter into the defence of the person accused?

4th, Lieutenant General Burgoyne protests against any decision of a court of enquiry being final, and has only directed the witnesses to attend in compliance with what he is informed is the custom with the American troops, viz. to hold courts of enquiry in all cases previous to trials, and he hereby declares that whatever may be the issue of the present court of enquiry, he persists in his demand of a regular trial in a court of criminal jurisdiction.

5th, I am also directed by Lieutenant General Burgoyne to request a copy of the proceedings of this court of enquiry.
Cambridge, Jan. 14th, 1778.

IN answer to the first question of General Burgoyne—
The court answer, they are not.

To the second—The court answer, the witnesses are not.

In answer to the third—The court answer, both.

To the fourth—The court are of opinion they have nothing to do with any protest of General Burgoyne—but are bound to follow the order of General Heath, founded on a custom of the American army, which countenances courts of enquiry in some cases which the commanding officer is the sole judge of.

The concluding requisition of General Burgoyne will be complied with as a matter of course.

(Signed)

J. GLOVER, Brigadier General, President.

SIR, *Head Quarters, Boston, Jan. 14th, 1778.*

THE probability that transports will arrive soon to receive the troops of the Convention, the apparent propriety of the measure; the similar conduct of the British commanders towards such of our troops as have fallen into their hands, before they are permitted on parole to return home, and my expectation that the honourable Congress will direct it, induces me to repeat my call for the names, former place of
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APPENDIX TO THE

abode and occupation, size, age and description of every non-commissioned officer and private foldier, and all other persons comprehended in the Convention of Saratoga.

As Major Massaraw is now here, and will take down the names, the objection you before made to Major Brown is obviated.

I am, SIR,

Your obedient servant,

Lieut. Gen. Burgoyne,

W. HEATH.

SIR,

January 15, 1778.

YOU will readily believe that it is as painful to me as it can be troublesome to you to find matter of complaint the continual subject of our correspondence—I am, nevertheless, under the necessity of laying before you two reports from the commissary general of the Convention troops. I am persuaded you will take immediate measures to redress that which concerns the badness of provision; and I hope you will not spare a reprimand to your commissary for making out an account which, I am confident, you meant to be genuine, clear, and conclusive, in a manner that will appear to any impartial person as purposely ambiguous, and designed to leave an opening for disputes and to create delays.

You will consider, Sir, that in waiting for this account, nine or ten days have been already lost since you consented to Mr. Clarke's journey to Sir William Howe.

I will now reduce this matter to a very short compass, and have only to request, that you will furnish me with the price demanded for the ration, supposing it to be paid in gold or silver, and likewise the price of the cord of wood, candles, and other articles not belonging to the ration; and I am willing to leave the quantities received to be settled by the respective commissaries at more leisure. As this cannot possibly require time, I beg the favour of you to prepare passports for Mr. Clarke to set out the day after to-morrow.

I return you my personal thanks for sending Captain Piper here, and assure you no improper use shall be made of that civility.

I am, &c.

To Major General Heath.

J. BURGONYNE,

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W. HEATH.

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SIR, *Head-Quarters, Boston, Jan. 15, 1778.*
YOURS of the 15th instant is before me. If Cam-
bridge and Boston abound with ill-designing men, I hope I
shall be able to distinguish my enemies; but I can scarcely
believe that one who is frequently bestowing his services
either on my country, its laws, officers, or inhabitants (I
need not say myself) can be a friend, and I wish you, Sir,
carefully to avoid such expressions in your letters, unless you
mean to give offence.

I shall in a few days appoint a court, of which you shall
have notice, to make proper enquiry into the several com-
plaints exhibited by you, and some others founded on more
than hearsay.

The serjeant who insulted Lieutenant Wilkinson is under
guard and will be brought to trial.

Captain Sweetenham's case will also be considered, for
which there is an additional reason, and I observe in his
complaint, that his abuse was received between ten and ele-
ven o'clock at night, going to the barracks, when by his pa-
role, sacredly given, he was not to be out after nine.

I am, SIR, Your obedient servant,
Lieut. Gen. Burgome. W. HEATH.

SIR, *Head-Quarters, Boston, Jan. 16, 1778.*
I RECEIVED your favour of yesterday the last even-
ing. I have directed Mr. Miller to repair to Cambridge
immediately, in order, with Mr. Clarke, to satisfy you re-
specting the stating of his account, which was by no means
intended to leave an opening for any dispute, or to cause de-
lay, as I am confident Mr. Miller and myself are as anxious
to have the accounts speedily settled as your Excellency
can be.

I am exceedingly sorry to hear the complaint of the bad-
ness of the flour, and fear it will not be in my power to af-
ford that redress immediately which is your desire and my
wish. Mr. Miller will also acquaint you farther on this
head.

I imagine it will be difficult to fix the price of a ration,
or of the cord wood, as the price is shifting continually;
our contracts are not made for any stipulated price; the
commissionaries purchase on the best terms they can,

Mr.

APPENDIX TO THE

Mr. Clark's passports shall be prepared. He must give his parole, which will be sent up, and all his letters and papers must be sent here for inspection. I would not have Mr. Clark carry many, if any, letters for officers of the army, as it will take up much time to examine them. Captain Gooch is to attend Mr. Clark.

I am,

Your Excellency's obedient servant,
W. HEATH.

P. S. Mr. Miller now comes in—he is very unwell this morning, and begs that he may be excused going to Cambridge until to-morrow morning. I hope this will not delay Mr. Clark, at least more than one day longer.

Lieut. Gen. Burgoyne.

SIR,

Cambridge, Jan. 17, 1778.

YOUR commissary, Mr. Miller, has met Mr. Commissary Clark, and I inclose you the report made to me in consequence of that conference, in order that you may see whether Mr. Clark has made any mistake, and determine whether you abide by the demand as stated by Mr. Clark.

I request the favour of your answer in the course of the day, and Mr. Clark will be ready to set out to-morrow. If you thought proper to depute any person at Cambridge to take his parole and examine his letters, which, at your desire, will be very few, it will be an obligation to him, otherwise, he will wait upon you at any time you shall appoint to-morrow morning.

I submit to you, whether it would not be a circumstance of convenience and dispatch for the officer that goes to General Gates to set out with Mr. Clark, if so, he shall also wait upon you with his letters and give his parole.

I take this opportunity to acknowledge the receipt of your favour last night, repeating your call of the names, size, age, &c. of the troops of the Convention; my opinion not being changed, I am under the necessity of referring you to my former letter upon that subject, assuring you at the same time, that if you will point out to me the instances you allude to where similar demands have been made by British officers, and complied with, I will give the matter farther consideration

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consideration and further answer; in Canada, I know the case was directly the reverse.

I am,

SIR,

Your most obedient servant,

Maj. Gen. Heath.

J. BURGOTNE.

P. S. Since writing the above, Colonel Chace has delivered in an account, amounting to 1317 st. 6s. 11d. (commission money at five per cent. included) and he informs me, that he has orders to demand the payment in hard money. I must desire you to let me know whether this is a determination you mean to abide by.

Head Quarters, Boston, January 18, 1778.

PAROLE,

C. Sign.

THE Court whereof Brigadier General Glover was president, appointed by the orders of the 10th instant, to enquire into the grounds of a complaint exhibited by Lieutenant General Burgoyne, against Colonel Henley, late commanding officer of the American troops at Cambridge after mature consideration, are of opinion, that from the evidence offered on the side of General Burgoyne against Colonel Henley, it will be most for the honour of Colonel Henley, as well as for the satisfaction of all interested, that the judgment of a court martial should be taken on his conduct, during his command at Cambridge. The General approving the opinion of the court, orders, &c. that a special general court martial sit on Tuesday next, at ten o'clock A. M. at the court House in Cambridge, for the trial of Colonel David Henley, late commanding officer at that post, accused by Lieutenant General Burgoyne of a general tenor of language and conduct, heinously criminal as an officer, and unbecoming a man; of the most indecent, violent, vindictive severity against unarmed men, and intentional murder.

Brigadier General GLOVER, President,

Colonel WILSON,

Lieutenant Col. POPKIN,

Colonel M. JACKSON,

Major CURTIS,

Colonel LEE,

Captain RANDALL,

Colonel H. JACKSON,

Captain LANGDON,

Lieutenant Col. COLMAN,

Captain SEWALL,

Lieutenant Col. BADLAM,

Captain HASTINGS,

Members.

APPENDIX TO THE

Lieutenant Colonel Tudor is desired to act as judge advocate. All evidences and persons concerned to attend the Court.

Extract from general order,

J. KEITH, D. A. G.

SIR, I have the honor to acknowledge the receipt of your letter of the 18th inst.

YOUR favour of yesterday's date, came to hand so late the last evening, that it was impracticable to return you an answer. All accounts with you, Sir, must be settled and paid in money as is expressed in my letter of the 3d instant, as I am explicitly directed so to settle them. I beg leave to refer your Excellency to that my letter.

You will please to send down, under cover, all such letters and papers as are intended to be forwarded by Mr. Clark to Sir William Howe, or others, as I chose rather to see them myself than refer the inspection of them to any other officer.

The letters and papers shall be returned this evening, if I receive them in season, as early to-morrow morning, by Captain Gooch, who is to accompany Mr. Clark, and have sent up his parole. His passport will be sent by Captain Gooch. I am content, that the officer who is to proceed to General Gates, should set out with Mr. Clark. His letters and papers must be sent down this day for inspection. If your Excellency will please to send his name, a parole and passport shall be sent up.

That part of your letter, respecting the names and descriptions of the troops, I will answer apart, that Mr. Clark may not be detained by lengthening this.

Colonel Chace's charging commission was unknown to me, and is to be taken out of the account. But as Major Hopkins, and several other assistants in that department, have been solely employed in serving your troops since at Cambridge, I doubt not, but you will think it reasonable that you should pay them. This, however, is a matter of so little importance, as not to be worthy of dispute.

Your Excellency's

most obedient servant,

Lieutenant General Burgoyne

W. HEATH.

SIR,

CANADA PAPERS.

SIR,

Head Quarters, Boston, Jan. 19, 1778.

YOUR packet of letters, papers, &c. were handed to me the last evening per Colonel Keith. I think that the second paragraph of your letter to Sir William Howe, does not stand quite fairly expressed. You are pleased to state it, that you are to pay the accounts in gold or silver, or yourself and troops be detained. I think it would be but just to have inserted or replaced the provisions and necessaries, with which your troops have been supplied, which is the mode, in which I informed you, your accounts were to be settled, and I must desire you to make that addition in your letter.

I find among the letters one wrote by Colonel Kingston to Lord Harcourt, which I have detained. I shall ever take pleasure in gratifying any officer, when I can do it consistent with the honour and safety of my country; and those gentlemen who write should be very cautious what expressions they make use of; and although the exceptional expressions in Colonel Kingston's letter are rather oblique than direct, yet they are so much pointed, that I am not certain whether they do not in some degree touch his parole, of which I shall consider farther.

As I am informed, your Excellency is desirous that Lieutenant J. Vallency should go with Mr. Clark, I suppose they must be necessarily detained until to-morrow morning.

I am,
Your Excellency's

most obedient servant,

Lieutenant General Burgoyne.

W. HEATH.

SIR,

Head Quarters, Boston, Jan. 21, 1778.

THAT part of your letter of the 17th instant, which respected the taking the names and descriptions of the soldiery of the Convention, I informed your Excellency in mine of the 18th, I would answer apart.

You are pleased to observe, that in regard to giving the names, size, &c. &c. your opinion not being changed, you are under the necessity of referring me to your former letter upon that subject; but at the same time assure me, that if I will point out to you the instances I alluded to, where similar demands have been made by British officers, and complied with, you will give the matter farther consideration and farther

APPENDIX TO THE

ther answer, and then conclude, that "in Canada I know the case was directly the reverse."

As your Excellency appears inclined to appeal to the conduct of the officers in Canada, I will give you an instance, and a recent one too, from that quarter, which, I think, will be fully sufficient without mentioning others. The American officers and soldiers, taken by the army under your command at and near Ticonderoga, and sent down to Canada, are now returned home under parole. Their treatment was as follows, which I have from a Captain Walcott of Colonel Marshall's regiment. When they got to Quebec, the officers gave their paroles, and directly afterwards they were all sent on board the men of war indiscriminately with the privates, and were told by the officers on board, that they knew no difference between them, as they looked upon the government that made them to be nothing; and before they were sent home, the following descriptions were taken of the soldiery, viz. their names, the province, county, and town they belonged to, age, size, and complexion—officers and men being intermixed together had two thirds of a ration per day, without distinction. After mentioning these instances, Sir, I hope you will have no farther objection in complying with the requisition sent you, for taking the descriptions of the troops of the Convention.

I am,
Your Excellency's

most obedient servant,

Lieutenant Gen. Burgoyne

W. HEATH.

SIR,

Head Quarters, Boston, Jan. 22, 1778.

I HAVE repeatedly mentioned to you verbally, a jealousy and uneasiness in the minds of the people, on account of an apprehension, that there are in the hands of your officers a number of fuses; for my own part, I have no apprehension of an ill use being made of them; but the minds of the people ought most certainly to be made easy, which will not be, until they are satisfied that the arms are collected and deposited. And as your Excellency has repeatedly assured me, that they should be collected and put into my hands, I must desire that it may be done immediately, and would propose, that a label be fixed to the guard of each piece, with the number, together with the officer's name, rank, and regiment, which shall be entered on a schedule, the arms then put into a chest,

a chest,

ACANADA PAPER 8.A

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a chest, and delivered to such officer as I shall appoint. I will give my honour for the return of them, when the officers respectively embark. A copy of the schedule to be left in the hands of such officer as you may order. As I conceive this to be but reasonable, I desire a compliance may not be delayed. I congratulate you, Sir, on the safe arrival of your money, &c.

I am, Sir, Your Excellency's obedient servant,

Lieutenant General Burgoyne.

W. HEATH.

SIR,

Cambridge, Jan. 24, 1778.

I SHOULD have answered your letters received the day before yesterday sooner, but the business of the court martial has taken up my whole time. The officers' fuses have been ordered in; they will be safely kept at my quarters, and I will be responsible for their not being returned to the officers, while they remain here. These fuses are no part of the public stores, they are private property, if you make a point of their being given into your custody, I must beg a little time to reflect upon it.

With respect to the other matter concerning the personal descriptions of the troops, I must give it serious consideration, and I conceive the delay cannot be attended with any disappointment, as any time before the embarkation will equally answer the purpose for which you require.

I am,

SIR,

Your most obedient servant,

Major General Heath.

J. BURGOYNE.

EXTRACT FROM GENERAL ORDERS.

Head Quarters, Boston, Jan. 28, 1778.

COMPLAINT has been made to the General, that some of the officers of the Convention have set up a billiard table in an house near the centre of the town of Cambridge, and that company is frequently there at very unseasonable hours, to the disquietude and uneasiness of the inhabitants. The General means not to prohibit innocent diversions to those officers,

APPENDIX TO THE

officers, but forbids the exercise of them at those hours that discompose others.

All officers of the Convention are to be at their quarters, and not to be abroad after nine o'clock in the evening, unless on some very special occasion, and then not without express leave in writing from the commandant of the post; strict obedience is expected to this order. The patrols are to take up such as are found contrary thereto, and report them to the commandant, who will transmit such report to the general.

J. KEITH, D. A. G.

SIR,

Head Quarters, Boston, Jan. 30, 1778.

I SHOULD have answered yours of the 24th sooner, but a multiplicity of business has prevented.

As I observed to your Excellency, in mine of the 22d instant, that I had no apprehension myself of an ill use being made of the officers' fuses; but that it was to satisfy the minds of the people, who were uneasy, that I desired they might be collected and deposited; and although your declaring that you will be responsible for their not being returned to the officers, while they remain here, would satisfy myself, yet you so well know mankind, that I need not observe to you, that it would not satisfy the people, and I am confident, that it will be both for the comfort of your mind and my own, to have them deposited, as I proposed to you, and you may be assured, that private property will ever be held most sacred by me. I must therefore desire, that you would deposit them agreeable to my proposal, as soon as may be.

As to the personal descriptions of the troops, I conceive that there is more leisure to take them now, than in the hurry that will naturally arise just before the troops embark, and I submit to yourself, whether it will not be less embarrassing to you.

I am,

SIR,

Your most obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

Head-Quarters, Boston, Feb. 4, 1778.

ENCLOSED is a resolve of the honourable Continental Congress, which I received per express the last evening. As this resolve will cease your continuance with us longer than

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than was expected, you may be assured, Sir, that no endeavours of mine shall be wanting to make your situation as agreeable as possible.

I am

Your Excellency's most obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

[The resolution of the Congress, with the papers relative to it, are already printed in the Parliamentary Register. See the Debates of the House of Commons for 1778, from Page 204 to Page 217.]

SIR,

February 4, 1778.

I HAVE the favour of your letter, and the resolves of Congress inclosed.

I propose sending an officer, with a letter to Congress, upon the subject of those resolves, the day after to-morrow, and beg the favour of you to appoint some officer or other proper person to conduct him.

I likewise think it right Lord Howe should be acquainted with these resolutions, and therefore you will please to name such person as you think proper to conduct an officer of mine to his Lordship with a copy of the resolves, and would wish this gentleman might set out to-morrow morning.

I am, SIR, &c.

Maj. Gen. Heath.

J. B.

SIR,

Head-Quarters, Boston, Feb. 4, 1778.

YOUR favour of this day's date I have just received. I have no objection to your sending an officer to Congress, and will appoint a person to conduct him, agreeable to your request, but fear they will scarcely be able to proceed so soon as the day after to-morrow.

I am sorry that I cannot grant your request of sending to Lord Howe so soon as you wish, as I must first certify Congress that I have delivered you the resolve, before I consent to your transmitting it to any public officer.

Your letter to the honourable Messrs. Hancock and Adams I immediately transmitted to them.

I am, SIR,

Your most obedient humble servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

APPENDIX TO THE

SIR,

Cambridge, Feb. 6, 1778.

I HAVE the favour of your letter, in which you say you could not furnish an officer to go with a gentleman from me to Congress so soon as to-day.

I ask it as a favour of you to expedite that matter, so let me know how soon a gentleman from you will be ready for that journey.

I am, SIR, &c. &c.

Maj. Gen. Heath.

(Signed)

J. B.

SIR,

Head-Quarters, Boston, Feb. 6, 1778.

YOUR favour of this date is just come to hand. A gentleman is now ready, agreeable to your request, to attend your officer to Congress, and might proceed to-morrow morning; but, as my dispatches cannot be completed, I must detain him until Sunday morning, when he shall proceed as early as you please.

You will please to transmit me the name of the officer whom you propose to send, that a passport, parole, &c. may be prepared.

I am, SIR,

Your obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

Boston, Feb. 6, 1778.

I SHOULD not have failed yesterday to have returned an answer to your letter, which was brought to me the preceding evening, had it not been for the violence of a disorder which had seized me near a week before; that disorder still continues to afflict me much, and prevents my seeing any one but my physician, or doing any business, even of the most trifling nature.

Under such circumstances, you will excuse me, if I decline to engage with you in conversation upon a subject in which you think the general cause of humanity, and possibly the essential interests of both our countries, are concerned.

I have the honour to be,

SIR,

Your most humble servant,

Lieut. Gen. Burgoyne.

S. ADAMS.

SIR,

Cambridge, Feb. 7, 1778.

AT the same time I received your answer, yesterday evening, I had a note from Mr. Hancock, that informed me I should have

CANADA PAPERS.

Feb. 6, 1778.
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be ready for
etc.
J. B.

have the honour of seeing him this day, if his health permitted, otherwise on Monday next. I take for granted the badness of the weather will make it Monday. Impatient as I am to forward my dispatch to Congress, you will readily conceive my wish to postpone it till after that interview. My aid de camp, Mr. Wilford, shall be ready to set out on Tuesday morning, and I beg the engagement may hold for that time, at all events.
I am, SIR, &c. &c.
Maj. Gen. Heath. J. B.

Feb. 6, 1778.
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ble, &c. may
servant,
W. HEATH.

SIR, *Head-Quarters, Boston, Feb. 7, 1778.*
YOUR favour of this date is just come to hand. I most readily consent to the postponing Mr. Wilford's journey until Tuesday morning.
I have this moment received several letters from Providence, which I do myself the pleasure to inclose.
I am, SIR,
Your obedient humble servant,
Lieut. Gen. Burgoyne. W. HEATH.

Feb. 6, 1778.
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concerned.

SIR, *Head-Quarters, Boston, Feb. 12, 1778.*
I HAVE just received a complaint against a Captain Atherton belonging to the troops of the Convention. I am informed, since the complaint was exhibited, that he had declared he has not signed his parole. I desire to be informed, immediately, why this officer has not signed his parole, after its being left at Cambridge so long a time, for that purpose; and also whether there are any other officers belonging to the troops of the Convention who have not given their parole, and the reason for their neglect.
I am, SIR,
Your obedient servant,
Lieut. Gen. Burgoyne. W. HEATH.

de servant,
S. ADAMS.

Feb. 7, 1778.
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have

SIR, *Cambridge, Feb. 12, 1778.*
I HAVE received your letter of this day's date, conceived in terms more abrupt and peremptory than I should have imagined the occasion required, relative to a complaint to you, not specifying of what nature, "against a Captain Atherton of the troops of the Convention."
I know of no such officer in this army as a Captain Atherton.

APPENDIX TO THE

If you mean Mr. Atherton the provost, should he not have given his parole, you profess to have the authority, and, by far, the experience, you know you have the means, to punish any delinquent upon whom you shall fix or suppose a fault. I desire to be excused from giving any reasons why persons have not signed a parole; British officers not professing to have any controul over the consciences. I know of no officers, properly so called (what the commissariate may have done I cannot say) who have refused, except the three gentlemen whose names were left here by Major Sweasy, viz. Captain Jones, Lieutenant Spencer, and Ensign Barker, of the 24th regiment. I take this occasion to inform you they still persevere in their refusal. They act of their own, and it is for you to take the course you may think proper.

May, Gen. Heath. (Signed) J. B.

EXTRACT FROM GENERAL ORDERS.

Head Quarters, Boston, Feb. 14. 1778.

3. A COURT of Enquiry to sit at Cambridge on Monday next at ten o'clock (A. M.) at such place as the president shall appoint, to examine into the grounds of several complaints which will be laid before them; in particular, a complaint of Mrs. Williams Warren against Captain Atherton, a British officer, for threatening his person, scandalizing the country, and going beyond the limits assigned the officers. The reason of a soldier of the guards pricking or stabbing a British soldier, in attempting to make his escape, on Saturday the 7th instant, on Prospect Hill. A complaint of Lieutenant Wilkinon of the 6th regiment, British, of abuse offered to him on the evening of the 8th ult. by Serjeant Sweat and a party of Colonel Brooke's regiment of guards. A complaint of Captain Sweetenham, a British officer, of abuse received on the 4th of January, going to the barracks, and also for his conduct towards the sentry near the commissary's store, and whether he had any special written permission for being absent after the time stipulated in his parole for his being in quarters. And a complaint of Mr. Ephraim Barker against Ensign Gwin, a British officer, for following him with a drawn bayonet, to his death, also swearing to tear his father's house.

CANADA PAPERS.

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Colonel GERRISH, President.
 Lieut. Col. WILD, Captain GREENWOOD,
 Major GAGE, Captain HALL.
 Members,
 Captain Washburn to act as Judge Advocate—all evidences
 and persons concerned to attend the court.

J. KEITH, D. A. G.

*Copy of this was sent 14th February to
 Major of Brigade Kirkman to com-
 municate to all concerned.*

SIR, Cambridge, March 8th, 1778.
 HAVING just now received through your hands, a letter
 from Captain Dalrymple, commanding the Juno frigate,
 dated Cape Cod Harbour, 4th March 1778, and informing
 me that 8930 tonnage of transport is arrived under his or-
 ders, to convey the troops of the Convention to England, I
 request to be informed what part you mean to take in regard to the
 embarkation.

I shall be obliged to you for your answer as soon as
 may be, because in consequence of your determination I
 shall desire your assistance to convey an open letter to Cap-
 tain Dalrymple.

I am,

SIR,

Your most obedient servant,

To Major Gen. Heath,

J. B.

SIR, Head Quarters, Boston, March 8th, 1778.
 YOURS of this date is just come to hand, in which you
 observe that 8930 tonnage of transport is arrived at Cape
 Cod under the orders of Captain Dalrymple, designed to
 convey the troops of the Convention to England, and request
 that I would inform you what part I mean to take in regard
 to the embarkation.

As the honourable Congress were pleased by their reso-
 lutions of the 8th of January last (copy of which I did
 myself the honour to transmit to your Excellency) fully to
 determine that matter, I can take no other part than such
 as they are pleased to point out as my duty, to which I
 shall strictly conform. Any assistance in my power in con-
 veying

Col.

APPENDIX TO THE

veying your letter to Captain Dalrymple shall be most cheerfully afforded by

Your Excellency's

most humble servant,

Ltut. Gen. Burgoyne.

W. HEATH.

SIR, *Cambridge, March 9th, 1778.*

FINDING by your answer to mine of yesterday, that you can take no other part at present than such as the Congress pointed out in their resolution of 8th January; I have to request you to convey the packet transmitted herewith, as soon as may be to the officer commanding the flag of truce, in order that he may return with it on board the Juno. As you consented some days past to my sending to Lord Howe, copies of the resolutions of Congress, and of my dispatches in answer. I conclude, Sir, you can have no objection to my sending duplicates, one by sea, the other by the exchanged officers who are to go by land.

You will have observed in Captain Dalrymple's letter to me, that he has many private letters for me and for the army in his possession; I should hope you would permit them to be delivered unopened; I admit there would be an impropriety in making the same request respecting letters to pass from hence, but as no intelligence we can receive, can in our present situation possibly affect the interest of America, you have it in your power to lay this army under obligation for me of the greatest pleasure of life, that of hearing from their friends.

Whatever may be your determination in this respect, I beg you to take the trouble of signifying it by a line to Captain Dalrymple, whom I have desired to be directed by it.

I am,

SIR,

Your most obedient servant,

Major General Heath.

J. BURGONYE.

SIR, *Head Quarters, Boston, May 9th, 1778.*

I OBSERVED on the list of transports which passed through my hands to your Excellency on yesterday, that a large quantity of flour was on board some of the transports at
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Cape Cod, and perhaps a large quantity of other provisions may be on board also.

As your Excellency has complained of the high price of provisions here, if it is in your power to take out those provisions for the use of the troops of the Convention, and think a saving may be made in the expence of supplies to Great Britain thereby, I shall have no objection to your doing of it, and will afford you as much assistance as you may stand in need of to get them up.

I am,

SIR,

Your most obedient,
humble servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

Head Quarters, Boston, March 16th, 1778.

IN mine of the 22d January last, I observed to your Excellency, as I had done repeatedly before verbally, the jealousy and uneasiness that subsisted in the minds of the people respecting the officers fuzes, and did therein propose to you that they should be put into the hands of such officers as I should appoint to receive them, and pledged my honour that they should be safe kept, and returned to the officers to whom they belong; you was pleased to observe in yours of the 10th of the same month, that the officers fuzes were ordered to your quarters, and that you would be responsible for their not being returned to them while they remain here; and in mine of the 30th, I observed that such a pledge would satisfy me, but that it would not satisfy the minds of the people. Their uneasiness has increased, and at length led the General Assembly to make a representation to me, by which I am constrained to desire your Excellency to put them into the hands of Major Pollard, my aid-de-camp, whom I have appointed to receive them in the manner proposed in mine of the 22d January; and I again pledge my honour for the safe keeping and return of them, agreeable to my promise in that letter. I assure myself that under these circumstances you will not hesitate a moment depositing of them, or think my pressing this matter is in the least unreasonable.

I am,

Your Excellency's

most obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

APPENDIX TO THE

SIR, *Head Quarters, Boston, March 17th, 1778.*
 THE General Assembly of the State of Massachusetts Bay having by their resolve of the 13th instant, expressed their apprehensions that there is great reason to suspect that some considerable part of the troops of the Convention have by some means supplied themselves with fire-arms, and that there is a necessity that the matter should be immediately examined into, and such measures pursued as may secure the safety of the State in that respect.

In order, therefore, that the request of the General Assembly may be carried into execution, you will please tomorrow at ten o'clock, A. M. to make a strict search in all the barracks occupied by the British and Foreign troops on Prospect and Winter Hills. If any fuzees belonging to the officers should be found in any of the barracks, they are not to be taken away, the officer's name and rank to whom they belong, and the barrack and room where they are found, are to be taken down in writing; but if any muskets are found in the barracks with the private men, they are to be taken into custody, and a receipt given to the person who claims them, and a fair entry made of the person's name and arms in a book.

You will please to conduct this matter with great propriety and good order; no insult or abuse is to be offered. The guards are to behave in a soldier-like manner, you will order the whole garrison to be under arms on their parades, and so to remain until the search is over.

You will keep the matter a profound secret until you have made your disposition for the search, you will then wait on General Burgoyne, and acquaint him with your orders, and then proceed and make your search. The search is to be carefully made in the barracks and such places as are most likely to have arms concealed; but you are not to search the baggage. For all which this shall be your sufficient warrant.

(Signed)

Lieut. Col. Keith, D. A. G.

W. HEATH, M. G.

LIEUTENANT Colonel Keith, Deputy Adjutant General to the Provincials, after searching all the barracks, made a report to General Burgoyne that there were neither fire-arms nor officers fuzees in any of the barracks occupied

THE CANADIAN PAPER.

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by the English troops, and only a few fuzes, about ten, belonging to the officers in the barracks occupied by the German troops.

Cambridge, 18th March, 1778.

SIR,

Cambridge, March 17th, 1778.

I HAVE the favour of yours of March 16th, respecting the delivery of the officers fuzes into your hands. I acknowledge that the application has been repeatedly made, and my answer has been uniform, that a surrender of this property should be made to the public tranquility whenever you made a point of it. Since the 30th January, when the last letter upon this subject passed, I really imagined that the people had resumed sufficient confidence in their own strength to be free from apprehension, and that no person would press a measure that marked so uncommon, and permit me to add, as it applies not in the remotest degree to yourself, so indecent a want of trust in the parole of the British officers, and particularly of myself who had answered for the care of them.

I still adhere to my former line of conduct, and whenever Major Pollard or any other officer shall come to my quarters for this purpose, they shall be shewn the place where these arms are deposited (I think they amount to about forty, rusty and without locks) and I assure you no obstruction shall be given to their being carried away, but the trouble of marking the several officers names will be unnecessary, as I believe no officer means ever to receive them again.

I am,

SIR,

Your most obedient servant,

(Signed) J. BURGOMASTERS.

Maj. Gen. Heath.

SIR,

Head Quarters, Boston, March 18th, 1778.

I HAVE received a resolve of the two Houses of Assembly of this State, passed on the 13th instant, in which is the following paragraph,

“Whereas there is great reason to suspect that some considerable part of the troops of the Convention have by some means supplied themselves with fire arms, it is therefore necessary inquiry be made thereinto; it is therefore desired that the Council signify to General Heath the necessity of that

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APPENDIX TO THE

that matter being immediately examined, and such measures pursued by him as may secure the safety of this State in that respect."

In consequence of the foregoing, I have directed Lieutenant Colonel Keith to make a search through the barracks this morning, in order that the General Assembly and people may be satisfied, and all suspicion removed. As these are the only motives for the fear, I flatter myself that it will not give you umbrage.

I am,

Your Excellency's

obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

Cambridge, March 18th, 1778.

COLONEL Keith delivered to me your favour of this day, containing a resolve of the two Houses of Assembly, and he likewise communicated to me your warrant for his proceedings. He will inform you that he met with no obstruction, but on the contrary, every attention and assistance to facilitate the visionary pursuit upon which he was employed.

It would be superfluous and uncivil towards you, Sir, to comment upon an act which is not your own. I shall only say I have been lately too much habituated to extraordinary events, to feel surprize or agitation at any, and in the present instance, I sincerely assure you, I find myself much more inclined to smile than to take umbrage.

I am,

SIR,

Your most obedient servant,

Major Gen. Heath.

J. BURGoyNE.

SIR,

Cambridge, March 19th, 1778.

MR. Wilford, my aid-de-camp, is just now returned; I have the honour to transmit to you copies of all the resolves of the Congress that I have received.

As the Congress have been so obliging to leave me a latitude for the place of embarkation, I propose to go by Rhode Island, and shall request your passports to set out with my family in about three days. In the mean time, Sir, I should be obliged to you if you would permit the

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officer commanding the flag of truce to come on shore for a few hours. By conversation with him upon the provision in the transport, the means of landing it, should it be thought proper, and the expediency of sparing it from the ships, a great deal of time might be saved, and conveniencies to our mutual account might ensue; I mean the officer to be under parole not to convey any unopened letters.

I have reason to believe there is a military chest on board the Juno for the use of these troops, I request to know whether you will permit it to be landed and delivered to Major General Phillips, parole being given that there are no letters nor other papers therein contained.

I shall be obliged to you for an answer to this as soon as may be, and should like to have an interview with you at Cambridge or London, if you may think proper.

I am,

SIR, &c. J. BURGOWNE.

To Major General Heath.

In Congress, March 24, 1778.

THE committee, to whom the letter from Lieutenant General Burgoyne to the president of the Congress, dated the 11th February, No. 1, with the papers inclosed was referred, report

"That they have carefully perused and duly considered the letter and papers, and are of opinion, that nothing therein contained is sufficient to induce Congress to recede from their resolves of the 8th of January last, respecting the Convention of Saratoga." Whereupon

Resolved, That Congress agree to the said report.

Extract from the Minutes.

CHA. THOMPSON, Sec.

In Congress, March 3d, 1778.

THE committee, to whom the letter from Lieutenant Wilford, aid-de-camp to General Burgoyne, was referred, report,

"That Lieutenant Wilford be permitted to deliver to the board of war, duplicates of the papers by him presented to Congress, and that the board be directed to forward them to General Washington, to be transmitted by a flag to General Howe, without delay; but that Lieutenant Wilford be

APPENDIX TO THE

not permitted personally to convey the duplicate either to General Washington or General Howe. Resolved, That Congress agree to the report of the committee on the subject of the exchange of prisoners.

Extract from the Minutes.
(A true Copy) CHAS. THOMPSON, Secy.
Horatio Gates, Major Genl.

In Congress, March 24, 1778.

THE committee, to whom was referred the letter Nov. 21 from Lieutenant General Burgoyne, February 17th, with an paper inclosed, brought in a report, which was taken into consideration. Whereupon it was ordered that the committee be

Resolved, That Lieutenant General Burgoyne, on account of his ill-state of health, with the officers of his family and his servants, be permitted to embark for Great Britain; that General Heath furnish the necessary passports, accepting a parole from Lieutenant General Burgoyne, Lieutenant Colonel Kingston, and Doctor Wood; that should the embarkation of the troops of the Convention of Saratoga be by any means prolonged beyond the time apprehended, those officers will return to America upon demand and due notice given, and will deliver themselves into the power of Congress, unless regularly exchanged.

Resolved, That Captain Wilke of the 8th Regiment be furnished with a passport to return to Canada by way of Halifax in Nova Scotia, under the restriction of the parole given by the Canadian troops in the Convention of Saratoga, till he shall be regularly exchanged.

Resolved, That it is not expedient to grant the passports requested by General Burgoyne for Captain Vigors of the 20th Regiment, Lieutenant Wheat of the 20th, or Lieutenant Bibby of the 24th.

Extract from the Minutes.

CHAS. THOMPSON, Secy.
SIR, York Town, in Pennsylvania, 6th March, 1778.

BY the hands of the gentleman Wilke on the 26th February, I received the honour of your Excellency's letter of the 17th of that month; Now, and upon the ad instant of another letter from your Excellency of the former date, Now, these in due course I present to Congress, and I have

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have resolved in things to transmit to your Excellency the three acts undermentioned, which will be found within the present cover.

1st, An act of the 2d March, confirming the act of January 8th; for suspending the embarkation of the troops in the Convention of Saratoga.

2d, An act of the 3d March for enabling Lieutenant Willford to transmit certain papers to General Howe.

3d, An act of the same date for granting passports for your Excellency with the effects of your Excellency's family, and servants, to embark for Great Britain, and for other purposes therein resolved.

To these several acts, Sir, I beg leave particularly to refer, as containing all that Congress have judged necessary for me to return to your Excellency's letters above recited.

I have the honour to be, Sir, with all proper consideration,

Your Excellency's
obedient and most humble servant,
HENRY LAUREN,
President of Congress.

Burgome, Cambridge, Massachusetts.

SIR, Cam. 28, March 20th 1778.

SINCE I had the pleasure of seeing you it has occurred to me and General Reidol, that Captain Wilcox going by Halifax to Canada, may arrive too late at Quebec to prevent the clothing destined for the troops of the Convention being sent to England, upon the belief that they would be failed from hence before this time.

I have therefore to ask you, Sir, whether you have any objection to grant a passport for a German officer to go to Canada by the Lakes, and return with the cloathing by sea? and whether you will give safe conduct for the ships conveying the cloathing and other necessaries for the troops of the Convention, and for the safe delivery of those articles into the hands of the General commanding those troops for the time being.

Should you not consent to a German officer going, I have to apply to you to convey by a flag of truce of your own, a letter for the above purpose from me to Sir Guy Carleton or general officer commanding in Canada, should

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also be glad to know at what time Capt. Wilkes is to hold himself in readiness to embark for Halifax.

I am,

SIR, Your most obedient servant,
Maj. Gen. Heath.

SIR, *Head-Quarters, Boston, March 22, 1778.*

IMMEDIATELY upon my return to this place, on Friday last, I forwarded your letters to the Castle, to be sent on board the cartel, the wind blowing yesterday almost a hurricane, no intelligence could be obtained from thence, and although it still blows fresh, a boat has this moment come up (one o'clock P. M.). The inclosed is the report which I have received from Lieutenant Colonel Rawars, I very much fear, that the schooner, called the Lady Washington, is either drove on shore, and beat to pieces, or out to sea, in which case, the hands and guard who were on board, must perish. As your letters were on board that schooner, they will probably be lost; I have therefore dispatched a light horseman to your Excellency, that you may forward new dispatches, without loss of time. Having a copy of your letter, I have sent it, that you may see what were its contents, as I observed you did not take a copy. The light horseman will wait for your letters, and I will detain the boat until he returns. Would ask the favour, that the enclosed papers may be returned by the bearer hereof.

I am,
 Your Excellency's
 most obedient servant,

Lincol. Gen. Burgoyne. W. HEATH.

SIR, *Cambridge, March 22, 1778.*

I HOLD myself exceedingly obliged by your attention to my late dispatch, and shall feel a very sincere regret, if any loss of men is sustained on your part.

I return a new letter, word for word with the old one, and have only to request you will add thereto duplicates of your parole to Captain Dalrymple for the security of the transports, and the security and conveyance of the money. I very much wish the cartel to be dispatched to-night, and shall hope to hear

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hear from you to-morrow respecting my application by my letter of Friday evening.

I am, with many thanks for your last favour,
SIR,
Your most obedient servant,
[Signed] J. B.

P. S. Mr. Clarke has not yet heard from your Commissary.

SIR, Cambridge, March, 23, 1778.
I AM sorry, so soon after my last dispatch to Captain Dalrymple to trouble you again, but must particularly request the favour of you to send off the inclosed, without any loss of time; and if you will be so obliging to order a good sailing boat to go all the way to Cape Cod, I will readily pay any expence that may be necessary upon that occasion.
I am,
SIR,
Your most obedient servant,
[Signed] J. B.
Major-General Heath.

SIR, Head Quarters, Boston, March 23, 1778.
YOUR favour of the 20th instant came safe to hand, but being exceedingly pressed with business, I have not been able sooner to answer it.

I apprehend that Congress could have no more objection to Captain Willoe's going to Canada by the way of the Lakes, than any other officer, and that as they disapproved of his going, they would equally disapprove of a German officer's going by that rout, I cannot therefore grant your request in that respect. If your Excellency should think proper to write to Sir Guy Carleton, or general commander in Canada, I will, with great pleasure, forward it to the commanding officer at Albany, and desire him, as soon as possible, to convey it by a flag to the first post in the possession of the British troops in Canada.

I shall also with pleasure grant protection to such flag as may arrive with the clothing and other necessaries, for the troops of the Convention, and as far as is in my power, facilitate the delivery of the articles (after proper examination) into the hands of the commanding officer of the troops of the Convention for the time being. Captain Willoe shall, at any

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any time, have his passport to proceed to Halifax, but I cannot say, when a flag will sail for that place. I have given orders for the most diligent preparation of accounts for settlement, they will soon be ready. Mr. Commissary Clarke will, I believe, hear from Mr. Commissary Miller this day.

I am,

Your Excellency's

most obedient servant,
Lieut. Gen. Burgoyne. W. HEATH,

SIR, *Head Quarters, Boston, March 26, 1778.*
 THE inclosed I received the last evening, am exceedingly sorry to find that the fleet have returned to Rhode Island, as a vessel arrived this morning, reports to have seen them under sail on yesterday.

After looking over Captain Dalrymple's letter of the 15th instant, I am at a loss for the reason of the victuallers returning to Rhode Island with the provisions, as it appears from his letter, that they were designed for the troops of the Convention. The accounts must be settled, and I shall be happy in facilitating them all in my power.

I am,

Your Excellency's

most obedient servant,
Lieut. Gen. Burgoyne. W. HEATH,

SIR, *Philadelphia, Feb. 5, 1778.*
 BY advices received from Rhode Island, transmitting to me a copy of a letter from General Heath to Lieutenant General Burgoyne (copy of which is inclosed) I am informed that it is determined to detain General Burgoyne's troops in New England, until all demands for their provisions, and other necessaries, are satisfied, and that this determination is grounded, not only upon a requisition of mine for provisions to be sent in for the subsistence of the prisoners in my possession, and for the purchase of other necessaries, but upon a forgery by my agents, emissaries, and abettors, of what are called continental bills of credit. This last allegation is too illiberal to deserve a serious answer. With regard to the other, I know not from what expression, in any of my letters to you, it has been understood, that I made the requisition alluded to. You know that the allowances of provisions to prisoners

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here from the beginning of my command, has been equal in quantity and quality to what is given to our own troops not on service. If you had thought this insufficient, you might have directed a farther supply from the markets, and were likewise at liberty to send in whatever articles you thought proper from the country. The allowance of fuel has been also regulated, as well as our means would admit, and a similar permission of purchase or supply from you, has never been refused. My letter of the 21st of April last, explained to you the extent afforded to the prisoners; cloathing, and some other necessities, they had a right to expect from those who had been the occasion of their being exposed to the chance of captivity, and that idea I have ever understood to be mutual. But notwithstanding the remonstrances I made to you upon that point, finding that supplies were not sent in, my humanity interposed on behalf of the unfortunate men in our possession; and on a late representation of their distress, I permitted in this city, the purchase of blanketting, and such other necessities as the severity of the winter required, and without which they must absolutely have perished.

Confident, as I am, that you will acknowledge this to be a just recital of facts, I cannot but think it unnecessary to say any thing farther, either upon the cruelty falsely alledged to have been exercised against the prisoners, or the unjust reflections you have been so often induced to transmit to me upon that head.

In consideration, however, of the real and unavoidable distresses of the prisoners on both sides, as well as to put an end to all fruitless altercation on the subject, I shall consent to an immediate exchange of all prisoners now in our possession, as well officers as private men, so far as the number of the latter, and parity of the rank of the former, will admit. In the mean time, I shall wait the arrival here of the British officers, whom you have released upon their paroles, and shall, without delay, send an equal number to you in return.

With regard to the accompt for provisions and other necessities, which I find by General Heath's letter, is become a pretext for infringing, if it is not intended as an absolute breach of the Convention of Saratoga, I do readily agree to the immediate appointment of commissioners, on your part and on mine, to settle that accompt, together with all other accompts for provisions, &c. furnished the prisoners on either side, and to make payment of the balances.

You

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You have only to name your commissioners (two will, I think, be sufficient) and appoint a convenient place and time for their meeting two gentlemen on my part, to terminate the business. The exchange of prisoners, and the accommodation of the difference that has so long subsisted between us upon that score, may be adjusted at the same time by the same commissioners, upon an equitable plan as formerly proposed by yourself.

These propositions, founded as they in great measure are, upon your own suggestions, I consider as now mutually agreed upon between us, and therefore I must hope to find, that you are capable of carrying them finally into execution, without permitting any set of men to interfere, at their pleasure, with such authority as has been vested in you, for the exchange of prisoners, and for the decision of all matters relating to them.

As I have no objection to the earliest meeting of the commissioners for completing the exchange and liquidating the accounts, I trust there will be no new impediment to the release of General Burgoyne's troops, but that you will give immediately such orders for their embarkation upon the arrival of the transports at Boston, as will remove every difficulty.

With due respect, I am,

SIR,

Your most obedient servant,

Gen. Washington, &c. &c. (Signed) W. Howe.

P. S. Your letters of the 20th and 30th January are received, and shall be answered in a few days.

SIR,

Head Quarters, Feb. 10, 1778.

I RECEIVED yesterday the favour of your letter of the 5th instant.

In answer to whatever it contains concerning General Burgoyne's army, and the measures adopted relative to it, I have only to inform you, this is a matter in which I have never had the least direction. It lies wholly with Congress, and the proposals you make on this head must be submitted to them. I have accordingly transmitted a copy of your letter, and I shall be ready to forward you any resolutions they may take in consequence.

I shall omit animadverting on your observations, with regard to the allowance and treatment to prisoners in your hands;

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hands; it is a subject which has been freely discussed in the progress of our correspondence, and the necessity of a further investigation is superseded by your now meeting me on the ground I have so long wished.

The powers under which I act, are entirely derived from Congress, and must of course be subjected to such modifications as they may think proper, according to the circumstances, to prescribe. But holding myself fully authorized by their instructions and intentions, to avail myself of the reasonable terms you are at this time willing to adopt for the mutual relief of prisoners, I shall explicitly close with your propositions to the following effect.

That an exchange of all prisoners now in our possession, officer for officer, soldier for soldier, citizen for citizen, so far as number and rank will apply, be carried into execution as expeditiously as the nature of the case will admit, and without regard to any controverted point, which might prove an impediment to so desirable an end. And here, as I may not clearly understand your meaning, when you say, "In the mean time I shall wait the arrival of the British officers, whom you have released upon their paroles, and shall, without delay, send an equal number to you in return." I take occasion to request you will be pleased to favour me with an explanation, whether you intend to consider such officers on both sides, as still continuing under the obligation of a parole, or as absolutely exchanged, in pursuance of the general cartel. I see no reason why an effectual exchange should not at once operate with respect to them.

I also agree, that two commissioners from me, shall meet a like number from you, on the tenth day of March, in German Town, at the King of Prussia Tavern, eleven in the forenoon, to adjust upon equitable terms the difference you mention, and such other matters as they may be severally empowered to determine.

With respect to a general settlement of accounts, as it comprehends points with which I have no authority to interfere, it is not in my power to concur in the measure you suggest for that purpose. I am under the necessity of referring it to the decision of Congress.

Considering a general exchange as finally agreed on between us, I shall, without delay, order the prisoners, in our hands, to places in the vicinity of your different posts, as their respective situations may render most convenient, and

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shall give you notice as they arrive, that you may return a number equal to those sent in from time to time.

I am, with due respect,

SIR,

Your most obedient servant,
(Signed) GEO. WASHINGTON.

General Howe, &c. &c.

SIR,

Philadelphia, Feb. 14, 1778.

I HAVE received the favour of your letter of the 10th instant, in consequence of which I shall send two commissioners to meet those on your part of German Town, on the day appointed.

The distresses which from too good authority I understand the lower class of prisoners labour under, induce me to request you will give such directions as may expedite the exchange of the non-commissioned officers and private men, in the mode you have proposed; and as the foreigners and British must be equally desirous of their liberty, and equally considered in the general release, I trust you will direct that the prisoners sent in, are proportioned as nearly as the numbers of each in your possession and their situation will admit.

With respect to the exchange of commissioned officers, you will permit me to premise, that this must be governed by the release of the Hessian field officers taken at Trenton, and Lieutenant Colonel Archibald Campbell of the 71st regiment, who have not only been longest confined, but have hitherto been the objects of particular exception, the exchange for those gentlemen, as well as for the other officers, will then take place, as is agreed upon. This will explain the meaning of the paragraph in my letter quoted by you, with respect to the release of officers upon parole, prior to the arrival of Lieutenant Colonel Campbell, and the Hessian field officers—I desire to be understood, that in this general exchange, the officers and soldiers belonging to the army commanded by Lieutenant General Burgoyne, who were taken, prior to the Convention of Saratoga, are to be considered within the description of prisoners, equally with those of the army more immediately under my command.

It seems necessary, with regard to citizens, to postpone the exchange of them, until the meeting of the commissioners,
who

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who by a personal discussion, may finally ascertain the distinctions and equality of the persons to be exchanged.

With due respect, I am,

SIR,

Your most obedient servant,

Gen. Washington, &c. &c.

(Signed)

W. HOWE.

SIR,

Cambridge, March 26, 1778.

THE commanding officer of your troops not being at Cambridge, I am under the necessity of troubling you with the inclosed complaint from Lieutenant Batterby, an officer of the Convention. He is now in the guard-house, which I think, you will agree with me, is an improper place for an officer, though he might, in the first instance, be in the wrong.

Should an officer endanger his parole, by being out at an improper hour, his being put in arrest, or confined to the limits of the barracks, till the affair was enquired into, I should think the worst that could happen to him in any country.

I should be obliged, Sir, if you would release Mr. Batterby from his present disagreeable situation.

I am,

Your most obedient servant,

Major Gen. Heath.

J. BURGOYNE.

SIR,

Head Quarters, Boston, March 27, 1778.

YOUR favour of yesterday, enclosing a complaint of Lieutenant Batterby, came to hand the last evening, and was new and surprising to me, as the least hint of it had not been communicated by my officers.

Strict order and discipline are constantly inculcated and required in my orders, and always where it respects officers, whether Continental or of the Convention, that delicacy which is due to the character of the officer and the gentleman, is strictly enjoined. The time of night when the lieutenant was taken up, and the terms of his parole, might properly subject him to confinement until the morning. This, however, ought to have been in the officer's room, and not with common prisoners. But you are sensible that the officers of the guards, although men of the best characters, are not so fully acquainted with the refinements of military discipline as were to be wished. It must, therefore, be considered as an

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error of judgment, and from the best intelligence, it is an error which has been frequently committed during the present war, especially at New York, where our unfortunate officers are often sent to the provost for the smallest trifles, and sometimes they know not for what, and there remain for weeks. It is a proceeding, however, which I equally detest, both there and here, and have ordered Colonel Keith to release Lieutenant Batterby immediately, which should have been done the next morning after his confinement, had it been reported to me.

I am,

Your Excellency's
most obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH.

SIR,

Cambridge, March 27, 1778.

I HAVE the favour of yours of the 26th, together with a letter from Captain Brathwaite, and am concerned at the precipitate departure of the fleet, which I take for granted, proceeded from Captain Braithwaite not thinking himself authorised to delay the execution of Lord Howe's orders. I am the more concerned, as I find by Mr. Mesereau, who is just returned from Rhode Island, that Lord Howe and General Pigot expected the provision would be landed. There is no mystery in the particular departure of the victuallers loaded with flour, they being clearly intended as an additional store for the troops upon their passage, and could never be originally designed for their use on shore, because at the time they and the rest of the fleet sailed from Rhode Island, it could not have been in the contemplation of Lord Howe, that the troops would be detained on shore a single day after their arrival.

In answer to the paragraph, which says the accounts must be settled, I am induced to state to you some remarks upon my situation, and I beg you to consider them as a very solemn remonstrance.

The resolve of Congress, respecting my departure for England, is framed most accurately and most attentively, in favour of my journey; it takes the very words of my application, in the mention of my health, and of my going by Rhode Island, or other more expeditious route; both these circumstances clearly demonstrate, the Congress meant no delay, and their directions to you to furnish passports are express and

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unconditional, except in the circumstance of receiving from me a parole to return to America, upon the call of the Congress, &c. &c.

Had other conditions been necessary, it is not to be supposed, they would have been overlooked; but the plain construction of the vote proves yet more, for the conditional parole required, if it does not in effect cancel the vote of the 19th. of December, "it at least puts an end to all pretence of necessity for it at this time, because I shall be as much under the controul of the Congress in England as in Cambridge, and as liable to be brought back upon any disputes in settling the accounts, as upon any other circumstance, which you will observe, is a situation quite different from that I stood in at the time the vote was passed for my detention in December. The supposition that the Congress meant to release me with one hand and to fetter me with the other, is an idea too injurious for me to conceive. Upon these considerations, I again claim of you my passports for Rhode Island, in virtue of the resolve, of which you have a copy, and I am with the other gentlemen concerned, ready to sign the parole therein required. To this claim I must adhere, but being still desirous to accommodate matters according to your wishes, if possible, I will consent to postpone my journey till Wednesday, provided you will compel your commissary (for no solicitation on the part of Mr. Clarke has any effect) to deliver his account to-morrow.

The account of wood is likewise still withheld, and I cannot but observe to you, Sir, that while you have been expressing to me your inclination to facilitate this business, eight days are already elapsed, by the neglect of your commissaries; and I at present labour under that strange species of persecution, to have a measure insisted upon, and yet to be prevented all possible means of complying with it.

Though the fleet is sailed, I see no obstruction to liquidating the provision-account upon the principle first proposed: and for this purpose, a commissary of yours might attend me to Rhode Island, and I will make myself responsible to you to convey to the Port of Boston by vessels, in which your commissary may return, such a quantity of provisions, as shall replace what the troops have consumed; or in case of deficiency, an equivalent deposit of money shall be sent to you by your commissary, that deposit to be refunded to the commanding officer of the Convention troops for the time being, when-

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whenever the complete balance of the provisions shall arrive.

The proposal must surely remove all material difficulties.

I am,

SIR, &c.

J. BURGOME.

P. S. I have received your letter of this day's date, respecting Lieutenant Battersby, and am obliged to you for your attention.

Major-General Heath.

SIR,

Cambridge, March 27, 1778.

I SHOULD be glad to know if a small vessel could be got to carry Captain Willoe to Halifax, and what the expence would be, and am to desire you will please to order passports to be taken by Captain Willoe to Canada, and duplicates by the flag of truce that goes by the way of Albany, for the safe conduct of the vessels that are to bring the cloathing, and other articles for the Convention troops, to the port of Boston. The dispatches are ready to go by the flag of truce to Albany as soon as you please.

I am,

SIR,

Your obedient servant,

Major Gen. Heath.

J. BURGOME.

SIR,

Head Quarters, Boston, March 28, 1778.

YOUR favour of yesterday I duly received: having taken every step in my power, since I had the pleasure to see you, to quicken my quarter master and commissary, I yesterday, before I received your favour, had their assurances that the accounts should be exhibited this day, and I am confident that they will. As the examination of the accounts, and reporting them to you, will take up the greatest part of this day, I shall postpone seeing you until Monday morning, when I intend to participate that pleasure. And I again assure you, that I will not throw any unnecessary objection in the way, to delay your departure, meaning nothing but a justification of my conduct to Congress. I shall on Monday show you paragraph of a letter of the 14th instant, which I have had the honour to receive from the President of Congress.

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In answer to your other favour, I believe, a small vessel may be procured to carry Captain Willoe to Halifax, the expence, I apprehend, would be from 150l. to 200l. Any passports which you desire to be sent by Captain Willoe, or by the flag of truce, shall be granted. I wish to be informed how many vessels will be necessary for the purpose. The dispatches shall be forwarded to Albany, as soon as I receive them, and can complete the necessary papers to be forwarded with them.

I have felt myself the last night and this morning, much indisposed, which prevents my writing you on some other matters.

I am,

Your Excellency's
obedient servant,

Lieut. Gen. Burgoyne.

W. HEATH,

SIR,

Cambridge, March 29.

SINCE receiving the favour of yours of yesterday, I have considered maturely the subject of the accounts, and find, I can, consistently with my duty, meet you so very nearly upon your own terms, that nothing but sincerity in the engagements made to me, which I will not suspect, can prevent my immediate departure.

I am induced to give you this information to-day, that no impediment may arise to finishing the whole business to-morrow, when I expect, in consequence of your engagement, the favour of seeing you.

I have a new motive for being thus pressing, having last night suffered an attack from the gout in my stomach, of a much more serious nature than I have ever before experienced. I am convinced, every day's detention in this country endangers my life; and I am confident, you would be sorry to reflect hereafter, that any unnecessary, not to say unwarrantable delays, had contributed to such a situation. My proposal in regard to paying provisions in kind, and of such quality as your Commissary shall approve, I understand to be finally settled between us.

In regard to the wood account, and the account given in by General Glover, there are certainly several articles that require more discussion and examination, than can possibly be given them within the time I have named for my departure; but in order to remove every difficulty from your mind, I

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APPENDIX TO THE

will give you whatever sums you shall require within the charge, for the receipt, upon account: these sums I will also engage, upon my parole, to put into the hands of your commissary at Rhode Island, or if you prefer it, I will give you the paymaster general's bills, which I will indorse upon the public account, and will pledge myself for their being discounted at par at Rhode Island, if you do not choose to negotiate them at Boston.

After going so far to accommodate your inclination, I have only to add my reliance that you will bring with you to-morrow my passports and a parole, according to the resolve of the Congress.

I am,
SIR, &c.

To Major Gen. Heath.

J. BURGOYNE.

SIR, *Cambridge, March 30, 1778.*

IF the weather prevented your coming to Cambridge this morning, I would readily have attended you in Boston, had you thought proper to have sent me safe conduct by an aide-de-camp.

Upon every reason that I alledged to you in my last letter, I am to desire an immediate and decisive answer in regard to my requisition of passports, conformable to the vote of the Congress, and am persuaded from the attention you have professed, that you will feel for my situation in point of health.

I am,
SIR,
Your most obedient
(Signed)

To Major General Heath.

J. B.

SIR, *Cambridge, March 31, 1778.*

I HEREWITH inclose you two copies of the articles agreed upon between us, one I have signed, and will be obliged to you to send me back the other as soon as you have signed it, and also the passports for me and my family to Rhode Island.

I propose waiting upon you at Boston on Thursday morning, at the hour most convenient to yourself, and must desire you to send an officer to conduct me.

I mean to send off my servants and baggage on Thursday morning, and would take it as a favour, if you would inform

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me to whom I am to apply for carriages, and whether it is necessary to have any separate passports or escort for them,

You will observe, Sir, in the account of fuel, I have separated the wood from the other charges, which shall be settled and paid here, according to our agreement.

I have also left a blank for General Glover's account, the sum may be inserted after his major of brigade has settled the particulars.

I think, if Mr. Geddes and Mr. Commissary Clarke went with me to Rhode Island, it would greatly facilitate all the business in hand, and they might return with your officer.

I am, S I R, &c.

Your obedient servant,

Major Gen. Heath,

J. BURGOTNE.

ARTICLES of agreement between his Excellency Lieutenant General Burgoyne and Major General Heath, respecting the payment of provisions, fuel, &c. furnished to the troops of the Convention.

I. It is agreed, on the part of Lieutenant General Burgoyne, that a quantity of barrel provisions, equal to the quantity charged to General Burgoyne by Mr. Commissary Miller, in his account, dated 13th and 21st January, and 20th February, shall be sent to Boston as speedily as circumstances will permit; that is to say, one half of the said provisions from Rhode Island, within twenty days after the arrival of General Burgoyne in the said Island. The residue, should it be necessary to send for it from New York, in forty days after the said arrival.

It is also agreed on the part of General Burgoyne to deposit such sums as shall be equivalent to the provision not sent from Rhode Island within twenty days, these sums to be put into the hands of the officer or commissary, who General Heath shall appoint to accompany General Burgoyne to Rhode Island.

II. And it is further agreed, that if the provision should not be delivered, according to the above terms, the deposit, in as much as is equivalent to the provision so failing, shall remain with General Heath as payment of the account.

And it is further engaged by General Burgoyne to pay into the hands of the said officer appointed by General Heath to accompany the general to Rhode Island, the sum of thirty thousand

APPENDIX TO THE

thousand two hundred and sixty-three pounds, fourteen shillings, lawful money, being the amount of the account charged to the troops for fuel.

And it is also engaged, by General Burgoyne, to pay into the hands of the said officer the sum of

on account of the charges made by General Glover, for the expenditure upon the march, upon account of the troops, eight thousand two hundred and fifty-two pounds, seven shillings, and sixpence, sterling.

It is engaged, on the part of Major General Heath, to refund to Major General Phillips, or the commanding officer of the troops of the Convention for the time being, the sum deposited as above agreed, or such parts of them as shall be redeemed by the delivery of provisions within the time above limited.

IV. It is mutually agreed, between the contracting parties, that every thing herein contained shall be construed in a liberal sense; and particularly, that no advantage shall be taken of any delays beyond the time limited for the delivery of provisions, provided such delays appear to arise from accidents of the sea or weather.

To this agreement we have mutually pledged our faith and words of honour, this 2d day of April, 1778.

*Extract of a Letter to his Excellency Sir William Howe.**

SIR,

Rhode-Island, April 9, 1778.

"After much duplicity, and, I believe, some debate, in the Council of Boston, upon the expediency of detaining me in defiance of the vote of the Congress, I am arrived at a place where I can write to your Excellency without restraint."

Maj. Gen. Heath insisted that all the expences incurred by the Convention troops should be discharged in solid coin, according to the resolve of Congress. Had the refusal of this demand affected only my departure, I should not have suffered any personal considerations to have interfered with the interests of government, but should, at least, have waited a further explanation of your pleasure than I could under-

* The three paragraphs distinguished by inverted commas were not inserted in the copy sent to Lord George Germain.

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stand from Mr. Commissary Clarke. But General Heath extended the matter to much more serious ground, declaring the delay of payment must necessarily enhance the price of provisions to the troops, and intimating that it was not certain that a supply could be had at all, the stock of money in the treasury being exhausted, and the purchasing contractors finding frequent difficulties in obtaining cattle upon credit, even at advanced prices.

I was clear in my opinion, that the direction of your Excellency, sent me verbally by Mr. Clarke, to declare against payment for any provisions, in case the Convention was broke, taking it for granted they would not dare starve the troops, did not apply to this case; because, whatever may be the private and just sentiments of every person who considers the resolve of suspension, to declare it broken *now*, would be playing their own game; they would immediately make use of that declaration as conclusive, and put it out of the power of government at home either to ratify and enforce the execution of the Convention, should they find means so to do, consistent with the dignity of the state, or to exact so full a reparation for the violation, should that be the resolution at home, as they may do, provided there exists not a colour of violation on our part. What they have hitherto alledged, as reasons for their resolves, must be judged by the world, not only to be without colour, but short of a moonshine shadow.

Upon these circumstances, I studied for expedients to secure the troops from the dangers threatened by non-payment, and at the same time evade the exorbitancy of the demand. I availed myself of the alternative given by the Congress to return provisions in kind, and, after some trouble, my stipulation was accepted for procuring provisions from Rhode-Island, or New-York, at limited periods, a sum of money equivalent to the quantity that should not be forth-coming immediately to be lodged in the hands of General Heath, as a deposit, and to be refunded to the officer commanding the Convention troops for the time being, whenever the provisions should arrive. Fortunately the stores here are in condition to liquidate the whole account; therefore the deposit is unnecessary. Many thousand pounds are saved to government, and no dispute in regard to what is past remains. I submit to your Excellency, whether a continuance of this method to discharge the provision accounts will not be the most desirable for the future, provided the King's stores in America can afford it, and whether, for that purpose, it might not be expedient to augment the stores at Rhode-Island?

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The above difficulty thus removed, there remained a heavy account in regard to fuel for the troops from the time of their arrival, and the provision, fuel, and other incidental expences upon the march from Saratoga, and advanced by Brigadier-General Glover. I had the good fortune, after much altercation, to make a great abatement upon these demands, by paying only the original cost of things, in specie, according to the price of the country, and all the contingencies of carriage, deliveries, &c. &c. which went to great amount in paper. I conceived no further difficulty in fulfilling the agreement, as your Excellency had informed me an hundred thousand pounds were sent for the use of the troops under my orders. A commissary of the enemy, therefore, accompanied me to Rhode-Island to receive the sums.

The rest of the one hundred thousand pounds I proposed to send to Major General Phillips, by the hands of the paymaster, whom I brought with me for that purpose, having first engaged a parole and escort for the secure passage of my military chest, to be sent to the army unopened. I think a sum to this amount indispensably expedient in the hands of that General, not only to discharge the subsistence to the army, some of which is in arrears, particularly the Germans, but also for such other contingent purposes as were explained between your Excellency and Mr. Clarke, "and concerning which I lately sent a message by ———."

I think it the next duty to the army lately under my orders, to state to you, Sir, the very extraordinary expence the officers are exposed to in their present situation. Exaction is added to scarcity at Cambridge, and every article of life is at an unprecedented price. I am confident in your Excellency's justice and goodness, to include those troops in the order of bat and forage money for this year, though they do not take the field. The officers will be ruined or starved, if they have not that gratuity. If lodging money is allowed to the other parts of your army, I trust also they will be comprised in the order. General Phillips requested me to lay before you the necessity of his having a secretary, and his hopes you would allow his pay as a contingency.

I have now, Sir, to report to you a matter upon which I have been very much embarrassed.

The day I parted from Sir Guy Carleton he put into my hands a letter from Lord Barrington, signifying the King's approbation of the appointment of brigadiers in Canada the preceding year, but stating the expediency of their serving as such in your army, there being senior lieutenant colonels without that rank; and therefore ordering that those gentlemen

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men should revert to their former situations as lieutenant colonels immediately upon their marching out of Canada.

Had Lord Barrington thought proper to communicate to me this idea before I left London, I think I should have been able to convince him of the impropriety of removing them at the very time of the service for the purpose of which they had been created, and of the impossibility of conducting an army without regularity, with an entire vacuum of staff between the lieutenant general and a lieutenant colonel; for Major General Phillips being considered as appropriated to the artillery, such was the case. As it was, I thought myself justified in taking the spirit, not the letter, of his Lordship's order; and it being clearly explained, that the only reason for dissolving the appointment of brigadiers was to prevent the classing of rank after a junction of the armies, I judged I could not be blameable for withholding the notification of the order till the junction was made, instead of putting it in force geographically upon quitting Canada. Since my arrival here, I have found a letter from General Harvey, approving the above measure, and I trust, Sir, it will not be disapproved by you. The only British brigadier with the troops is Hamilton; there are two Germans, Specht and Gall. It will be for your Excellency to decide what shall now be their fate, and to write your pleasure thereupon, as well as upon all other articles respecting the troops, to Major General Phillips.

"Lord Howe will have informed you, Sir, of my ideas communicated to him (in order to be submitted to you) by means of Captain Green, respecting the exchange of the Convention troops. My ideas were formed upon the knowledge I have of the feelings of the men in general. They are not only in a high state, as soldiers, by the experience and trials of the last campaign, but have a zeal in their cause, and a resentment against the enemy, that would give them double strength. Should you not find it advisable or practicable to exchange the whole, I would next submit the great acquisition it would be to the strength of Canada, to exchange the flank companies of the 29th, 31st, 34th, and 53d regiments, which regiments are now in that country, instead of sending those companies to Britain, in case the treaty should be at last ratified.

"Having mentioned the subject of exchanges," permit me, Sir, to offer to your consideration the great merit of Major General Phillips. He properly belongs to Canada; his zeal made him solicitous to come forward and pursue the whole course of the campaign; his services have been conspicuous; and,

APPENDIX TO THE

and, all things considered, I would submit, whether a seniority of captivity, arising from the accident by which Major General Prescott was taken, gives that officer a preference of pretension in point of exchange?

I beg leave also to recommend to your notice Captain Leche of my regiment, who was taken upon the passage of the regiment from England, and has been ever since in the province of the Massachusetts. The commissary thinks the distance, and his being the only officer of that corps, has occasioned his being overlooked by your commissaries, as younger prisoners, he thinks, have been exchanged.

I see the difficulty of effecting the exchange of individuals of the Convention troops; but I dare say I shall intreat your goodness by the bare mention of the case of Lieut. Wheete, of the 20th regiment. An estate of 200*l.* *per annum* actually depends upon his personal appearance in the court of Chancery. I stated this matter to the Congress, but they voted his return inexpedient. I request you, Sir, if you find it consistent with propriety, to make a fresh application to General Washington, for leave for his return upon his parole.

Captain Strangways, brother to Lord Ilchester, has also calls of family business of a very important nature; and I should be much obliged for any assistance of the same nature you might think proper to give.

I must close this long series of business with a report of the conduct of Ensign Bevil of the 62d regiment, in whose character I was deceived, when I recommended him to your Excellency for a commission. He has absconded from the army, in breach of his parole, and in debt, to a considerable amount, at Cambridge.

There is reason to suppose he meant to go to Philadelphia or New-York. I think it probable, Sir, you may send him back a prisoner to the enemy; at all events, I conclude you will suspend him; and, in that case, I would recommend to his vacancy Mr. Higgins, if you have not already been so good to place him elsewhere.

I have avoided to mention myself, in speaking of exchanges. An idea has obtained among the enemy that Lee was to be made a lieutenant general; I have been also told that a major general and a colonel might be accepted for a lieutenant general. In all cases, I put myself into your hands, and wish to add, as an appendix to myself, my secretary and deputy adjutant-general, Lieut. Col. Kingston, confident that I need not expatiate upon the satisfaction I should feel at being put again in a situation to serve under you as soon as my health

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health will enable me. I trust that a very short time at Bath will effect that purpose.

I have only to add my trust that you will continue to me the friendship and confidence with which you have always honoured me, and that you will write to me at full, by the first opportunity, how I can be employed to serve your views.

I have the honour to be,

With great respect, and inviolable attachment,

SIR,

Your most faithful, and most obedient servant,

(Signed) J. BURGONE.

ARTICLES of agreement, entered into at Newport, on Rhode-Island, on the tenth day of April, *Anno Domini*, one thousand seven hundred and seventy-eight, between John Morrison, Esq. deputy commissary-general, on behalf of Major General Pigot, and Samuel Barrett, Esq. agent for supplies, on behalf of Major General Heath.

Whereas there is not a sufficiency of beef in the stores at Newport to satisfy and pay the demand made by Mr. Commissary Miller, for his supply of that specie to the troops of the Convention; it is agreed, on the part of Mr. Morrison, that a quantity of pork, equal to the deficiency of beef, at the rate of eighteen ounces of pork for twenty-four ounces of beef, shall be deposited on board the victuallers now bound to Boston, and sent there forthwith, under the care of Mr. George Leonard, assistant deputy commissary, and to remain in his custody forty days from the seventh of this instant, April, being the day of the arrival of his Excellency, Lieutenant General Burgoyne, at Newport, before a demand shall be paid there for, on the part of Mr. Commissary Miller.

And it is further agreed, on the part of Mr. Barrett, that, in case a quantity of beef, sufficient to discharge the balance due to Mr. Commissary Miller, for supplies to the troops of the Convention to the first of March last, shall arrive at Boston within the forty days stipulated as aforesaid, addressed to the care of Mr. Commissary Leonard, then, in that case, the said George Leonard shall satisfy and pay the said balance in beef, and be permitted to return with the pork aforesaid to Newport.

And it is further agreed, that if the said Mr. Commissary Miller will agree to receive four pounds of pork for seven pounds of beef, in that case, Mr. Leonard shall deliver the pork

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pork in payment for said beef, within the time limited as aforesaid.

And it is further agreed, on the part of Mr. Morrison, that, if a quantity of beef, sufficient to pay the balance due to Mr. Commissary Miller, for supplies to the period aforesaid, should not arrive and be delivered by Mr. Commissary Leonard to Mr. Commissary Miller, in full of the deficiency aforesaid, or a quantity of pork be accepted by him in lieu thereof, in the proportion specified in the article next preceding within the said term of forty days, then, in that case, the quantity of pork specified in the first article shall be paid to the said Miller, in the proportion therein stated, for said deficiency.

And it is also further agreed, as the true intent and meaning of the parties herein named, that, if Mr. Commissary Leonard should not have a sufficiency of beef addressed to his care, on or before the expiration of the said forty days, to satisfy the whole demand that Mr. Commissary Miller has made, for his supply of that specie to the troops of the Convention, to the 28th of February, Mr. Commissary Miller will, in that case, receive such quantities of beef as Mr. Commissary Leonard may deliver him, towards discharging his demand for that article, and the deficiency in pork, according to the proportion settled in the first article of this agreement.

And it is further agreed, on both sides, that a quantity of bread and flour, equal (at the rates of the prices specified in Mr. Commissary Miller's account of supplies to the troops of the Convention) to the quantity of beef which may be deficient, shall be put on board the victuallers, and sent to Boston, to the address of Mr. Leonard, in addition to the quantities sent to repay those supplied, in the respective species, to remain as a deposit during the aforesaid term of forty days. And that, in case the deficient quantities of beef aforesaid do not arrive and be delivered to Mr. Commissary Miller within said time, or a quantity of pork equivalent to the same, in conformity to the first article, then the said bread and flour be paid and received in payment for the same, at the rates aforesaid.

And, to prevent all possible misunderstanding, respecting the quantities of provisions respectively demanded and to be shipped for payment, it is agreed, that the demand made on the part of Mr. Commissary Miller is as follows, to wit, six hundred and forty-seven thousand one hundred and thirty-four pounds of bread, eight hundred and ninety-seven thousand seven hundred and fifty pounds of beef, thirteen thousand

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seven hundred and ninety-six pounds of pork, one hundred and four thousand and twenty-eight pounds of rice, two thousand eight hundred and fifty-three pounds of soap, one thousand five hundred and fifty-nine pounds of candles, five hundred and eighty pounds of flour, twenty-nine and one quarter gallons of rum, one hundred and eighty-four quarts of salt: and that the provisions shipped and to be shipped towards satisfying said demand, subject to the regulations of the preceding articles, shall be as follows; viz. one hundred and seventy-four thousand and forty pounds of beef, two hundred and fifty-eight thousand one hundred and sixty pounds of pork, nine hundred and sixty-four thousand eight hundred and thirty-two pounds of bread and flour, a quantity of rice and peas, equal, at Mr. Commissary Miller's rate and mode of issuing those several species, to one hundred and four thousand and twenty-eight pounds of rice, twenty-eight hundred and fifty-three pounds of soap, fifteen hundred and fifty-nine pounds of candles, twenty-nine and one quarter gallons of rum, and one hundred and eighty-four quarts of salt: and that, as there will still be a deficiency in the article of beef, equal, by calculation, exclusive of accidental deficiency in weight and quality of the provisions sent for the purpose of satisfying the demand aforesaid, at the rate of prices charged by Mr. Commissary Miller, for that specie, in his account of supplies to the troops of the Convention, from the sixth of November, one thousand seven hundred and seventy-seven, to the first of March, one thousand seven hundred and seventy-eight, to the amount of four thousand four hundred and fifty-three pounds, lawful money of Massachusetts-Bay, at the rate of six shillings per dollar; which said sum of four thousand four hundred and fifty-three pounds, lawful money, as aforesaid, is to be paid by Major General Pigot into the hands of Samuel Barrett, Esquire, and Major Jonathan Pollard, to remain as a deposit for said deficiency with Major General Heath, for the aforesaid term of forty days, at the expiration of which term, should the deficiency aforesaid be paid in beef, or such other specie as is before agreed to be taken in lieu thereof; said sum to be refunded into the hands of Major General Phillips, otherwise to remain and be received in payment for beef and such other articles as may be deficient after delivery of the provisions shipped and to be shipped, as aforesaid, conformably to the agreement entered into between his Excellency Lieutenant General Burgoyne, and Major General Heath, on the second of this instant April.

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And for the due performance and fulfilment of each and every the foregoing articles, we, the subscribers do severally and mutually pledge our faith and honour, hereunto interchangeably setting our hands and seals, this tenth day of April, *Anno Domini*, one thousand, seven hundred and seventy-eight.

Signed, { JOHN MORRISON. (L. S.)
 { SAMUEL BARRETT. (L. S.)

Attest,
JONATHAN POLLARD,
JAMES CLARKE.

Witness,
JAMES CLARKE.

(A true Copy.)

*Instructions from Major General Pigot to Major Morrison,
Deputy Commissary, about supplying the Convention Troops
with Provision.*

SIR,

Newport, April 11, 1778.

AS the present mode of victualling the troops of Lieutenant General Burgoyne in the Massachusetts-Bay is attended with many difficulties, you will hold yourself in readiness to proceed with the flag that returns with Major Pollard, aid de camp to Major General Heath, and Mr. Samuel Barrett, agent for supplies; and, upon your arrival at Boston, you will immediately wait upon Major General Heath, and endeavour to settle with him the proportion of one specie for another, which may serve as a rule in paying for such provisions as may have been furnished by him for the use of General Burgoyne's troops. In the accomplishment of this business, you will adhere to the rules by which the army under Sir William Howe are victualled, and use your best endeavours that those rules and regulations be adopted and admitted, or as nearly as may be, on the part of General Heath, for the payment of such provisions as may have been, or hereafter may be, furnished to the troops of General Burgoyne, that in future there may be no difficulty in adjusting those accounts.

As it is necessary that those troops should be victualled in the same manner as the other British troops in America are, you will endeavour to obtain from General Heath his permission for the admittance of such victuallers into the harbour of Boston, as may hereafter be necessary for furnishing the proper supplies of provisions for the subsistence of the aforesaid troops, so long as they may remain in the province of
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Massachusetts-Bay; these provisions to be subject to the inspection of such officer as General Heath may appoint, to prevent the introduction of any article contrary to the true intent and meaning of the permission he may grant for the admittance of such victuallers as may be necessary for the purposes aforesaid.

In case you should accomplish this agreement with General Heath, you will likewise obtain from him the fullest assurances, that the provision hereafter to be shipped shall be admitted into the harbour of Boston, and truly and honourably delivered to the commissary of provisions, or his deputy, in General Burgoyne's army, and that he shall have free liberty, without any hindrance or molestation, to issue the same to the army, according to such rules and regulations as are established, or may hereafter be established, by Major General Phillips, or the officer commanding those troops.

I am, SIR,

Your humble servant,

RD. FIGOT, M. G.

Return

Return of Provisions shipped on Board the undermentioned Victuallers, in Pursuance of an Agreement, made by Lieutenant General Burgoyne and Major General Heath, the 2d day of April, 1776, for the Payment of Provisions furnished the Troops of General Burgoyne on the Part of General Heath.

Ship and Master's Names.	Bread.		Beef.		Pork.		Peas.		Flour.		Rice.		Candles.		Soap.		Colliers Rum.
	Barrels.	Half Barrels.	Barrels.	Pounds.	Barrels.	Pounds.	Sacks.	Casks.	Barrels, 280.	Barrels, 224.	Pounds.	Casks.	Pounds.	Pounds.	Pounds.	Pounds.	
Duke of Bedford, John Clarke,	0	0	0	130	27040	520	108160	93	67	640	0	0	0	0	0	0	0
Royal Sceptre, John Norman,	500	56000	600	400	147000	0	0	0	0	0	1140	319200	190	74509	0	0	0
Tartar, William Buffell,	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bireppa, P. Buckingham,	0	0	0	0	0	0	0	0	0	0	39	837	243096	0	0	0	0
Charming Sally, John Casey,	0	0	0	0	0	700	145600	0	0	0	0	0	0	0	0	0	0
New Shipping on board the —,	500	56000	600	530	174040	1220	253760	93	67	640	78	2562	734832	190	74509	0	0
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JOHN MORRISON, Deputy Commissary General.

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CANADA PAPERS.

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SIR,

Rhode-Island, April 12, 1778.

THE agreement respecting the provisions is fulfilled.

It having been reported to me that the mode of victualling the troops of the Convention has been varied lately, viz. that, instead of meat, fish had been substituted, I am under the necessity of observing, fish is not a customary victualling for our troops; and as the scarcity of meat will be removed by the quantity sent from hence, I must desire the troops of the Convention may be supplied with English provisions: the propriety of this is so evident, that I am persuaded no objection can lie against it; besides, it will effectually prevent all cavil between the commissaries about the goodness of the provisions. I thought it might be a mutual convenience to send a commissary to regulate the future supply for the troops of the Convention, that neither difficulty nor dispute may arise. Major Morrison goes upon this business.

I am obliged to you, Sir, for the accommodations I received on my journey, which were very much to my satisfaction,
and am, SIR,

Your most obedient servant,

Maj. Gen. Heath.

J. BURGoyNE.

N. B. A copy of this letter was sent to Major General Phillips.

SIR,

Rhode-Island, April 13, 1778.

IN order to settle every thing relative to supplying the troops of the Convention with provisions, I have directed Major Morrison, commissary general, to accompany Major Pollard and Mr. Barrett to Major General Heath, and shall be obliged to you for furnishing him with the necessary passports. I am also to thank you, Sir, for your attention towards me, and the accommodations I met with upon my journey, in consequence of your orders.

Maj. Gen. Spencer.

(Signed)

J. BURGoyNE

